

The background of the entire page is a photograph of the Southern States Capitol building at night. The building is a large, white, neoclassical structure with a prominent dome and columns, illuminated by warm lights. In the foreground, a curved walkway made of cobblestones leads towards the building, flanked by several tall flagpoles with flags. The sky is a deep blue with some clouds.

Southern States Energy Board

2013 Legislative Digest

A Guide to Energy and Environment Legislation in the South



2013 Legislative Digest

*A Guide to Energy and Environment
Legislation in the South*

October 2013

Covering measures in 16 states and two U.S. territories
With an introduction by
Representative Rocky Adkins, Kentucky
SSEB Vice-Chair



Acknowledgments

The Southern States Energy Board's **2013 Legislative Digest** is compiled each year in collaboration with member states and territories. We would like to thank the Board members, legislative research staff and state administrative officials and their staffs for assisting us in compiling and reviewing the **Digest**.

Published by
Southern States Energy Board
6325 Amherst Court
Norcross, Georgia 30092
Phone: (770) 242-7712
Fax: (770) 242-9956
Web: www.sseb.org
Email: sseb@sseb.org



Table of Contents

Acknowledgments	2
Representative Rocky Adkins.....	5
Introduction.....	7
Categories of Energy Legislation	15
Categories of Environmental Legislation	17
Matrices and Graphs.....	19
Abbreviations.....	20
Matrices of 2013 Energy and Environmental Legislation	21
Overall Energy Legislation	23
Overall Environmental Legislation	24
Southern States Energy Board Member States	
Alabama	25
Arkansas	35
Florida.....	49
Georgia.....	73
Kentucky	81
Louisiana	89
Maryland.....	103
Mississippi	123
Missouri	137
North Carolina.....	151
Oklahoma.....	177
Puerto Rico	187
South Carolina	191
Tennessee	197
Texas	207
U.S. Virgin Islands.....	243
Virginia	247
West Virginia	267
Southern States Energy Board.....	274
2012-2013 Executive Committee	274
Members of the Board	275







Representative Rocky Adkins

State Representative Rocky Adkins currently serves as House Majority Floor Leader after being chosen for the post by his Democratic colleagues in November 2003. A long-time veteran of the Kentucky House of Representatives, he is now serving in his 25th year as a Legislator.

A native of Sandy Hook, Kentucky, Representative Adkins is a graduate of Elliott County High School and Morehead State University, where he also received his Master's Degree in Secondary Education.

In 1986, Representative Adkins was elected to the 99th House District at the age of 26, making him one of the youngest members ever elected to serve in the Kentucky legislature. Representative Adkins quickly accumulated legislative responsibilities and served on a number of influential committees, including the House Appropriations & Revenue Committee and the Budget Review Subcommittee on Transportation.

A leader in the field of energy independence, Representative Adkins has introduced several ground-breaking pieces of legislation that will help our nation achieve energy self sufficiency in the coming years. His legislation includes incentives for the conversion for coal to transportation fuels, use of agricultural products for energy such as biodiesel, biomass, ethanol, and cellulose and greater utilization of renewable energy sources such as wind, solar, and hydro.

Representative Adkins' legislative initiatives also promote conservation and incentives for energy efficient home building and construction. He was appointed Vice-Chair of the Southern States Energy Board in 2008 by Chair, Governor Joe Manchin, who called Representative Adkins, "the South's lead legislator on energy."

Representative Adkins is a 14-year survivor of cancer and he actively raises funds for research by sponsoring an annual golf tournament entitled the "Rocky Adkins Charity Golf Outing Cure for Cancer." The tournaments have raised more than \$1 million since 1995.





Introduction

Representative Rocky Adkins

It is my privilege to present the **2013 Energy and Environmental Legislative Digest**. For more than four decades, the Southern States Energy Board has published this **Digest**, and each year the Board endeavors to ensure that the information representing the legislative trends in the South is accurate and complete.

A compendium of energy and environmental legislation enacted by the Board's 18 member states and territories during the 2013 legislative sessions, this document thoroughly examines legislation passed state-by-state. No other document provides such a comprehensive review of energy and environmental legislation in our member states. This year our member states and territories passed over 790 pieces of legislation.

Precise bill summaries are categorized for easy comparison. Energy measures are divided among the following categories: *Alternative Energy Development; Coal and Minerals; Emergency Management and Homeland Security; Energy Efficiency; Natural Gas and Petroleum; Reorganization and Coordination; and Utilities*.

Many acts could easily fit into several of these categories as they seek to dramatically improve our energy independence. Energy related matters accounted for 30 percent of the total legislation summarized in this document. The largest topic areas this year was *Natural Gas and Petroleum* where there were 78 bills passed and *Utilities* with the passage of 66 bills.

Environmental measures are divided into the following categories: *Air Quality and Pollution Control; Coastal Zone Management; Emergency Management and Homeland Security; Environmental Health Services; Hazardous Waste and Substance Management; Inland Water Resource Management and Conservation; Land Management and Conservation; Radioactive Waste; Reorganization and Coordination; Solid Waste; and Water Quality and Pollution Control*. The largest two categories continue to be *Inland Water Resource Management and Conservation* and *Land Management and Conservation*. These two categories combined for 221 pieces of legislation.

When examining legislation passed state-by-state it is not unusual to observe certain trends or themes. This year was no different. The most apparent, yet least surprising trend, involved the adoption of many measures dealing with natural gas and petroleum development. Since the publication of the 2012 Digest, four states adopted measures significantly increasing penalties for utility tampering. Another theme involved products used given preference under systems determining energy efficiency in buildings. Four states adopted measures providing that sustainable building rating systems used for state-funded buildings may not exclude certificate credits for forest products several certifying agencies. An interesting trend that continued from 2012 in the natural gas arena is various incentives to support vehicles fueled by compressed or liquefied natural gas (LNG). Finally, a number of states continue to address the problem of metal theft



that is causing economic hardship on citizens, businesses, and governments as well as rising utility and insurance rates by imposing stricter standards on sellers and recyclers.

While many states addressed similar issues, each state also had specific areas of law that warranted special attention. That said, each SSEB member state's highlights are summarized in the following section.

Alabama adopted 34 energy and environmental bills during the 2013 legislative session. One of the most significant is HB 503, which specifies the state Oil and Gas Board's authority over oil sands development and provides fees structure for fracture stimulation operations as well the recovery of oil from oil sands. In regard to environmental legislation, HB 339 creates the Board of Aquatic Plant Management and the Aquatic Plant Management Fund to prevent the spread and infestation of invasive plant species in the Tennessee River and its tributaries.

The **Arkansas** General Assembly enacted 74 energy and environmental bills. SB 125 provides significant rebate incentives for the differential costs and conversion costs related to converting diesel-powered motor vehicles and gasoline-powered motor vehicles to motor vehicles powered by compressed natural gas or propane gas. Through SB 795, Arkansas enacted the Regulation of Electric Demand Response Act to allow the Arkansas Public Service Commission or a local authority to regulate and, if in the best interest of the public, authorize the marketing, selling, or marketing and selling of demand response, which is a reduction in the consumption of on-peak or off-peak electric energy by a retail customer relative to the retail customer's expected consumption in response to changes in the price of electric energy to the retail customer over time or incentive payments. Demand response is designed to induce lower consumption of electric energy.

Florida adopted 42 energy and environmental measures. SB 1472 establishes new benchmarks for electric utilities that want to collect funds while planning nuclear power plants and Integrated Gasification Combined Cycle (IGCC) power plants. The bill requires the Public Service Commission to determine, prior to both the preconstruction and construction phases of a new plant, whether the plant remains feasible and the projected costs for the plant are reasonable. If construction does not commence within 10 years of obtaining a federal license for a nuclear power plant or state certification for an IGCC power plant, the utility must demonstrate its continued intent to construct the plant. If construction does not commence within 20 years of obtaining a license or certification, the utility may not recover costs for the plant during pre-construction. In regard to coal ash, SB 682 creates a regulatory program for the beneficial use of fossil fuel combustion products (FFCPs). The legislation defines "beneficial use" as the use of FFCPs in building products and as a substitute for raw materials, necessary ingredients, or additives in other products according to accepted industry practices.

Georgia passed 31 energy and environmental bills. HB 226 tackles the ongoing issue of the illegal dumping of scrap tires by addressing the process of transportation, storage, and disposal. This legislation revises the qualifications for waivers and amends certain requirements, such as providing for the distinction between scrap tires and used tires, requiring a tire carrier permit and decal on vehicles transporting more than 10 tires,



limiting the number of tires stored to 25, and requiring that all scrap tires are secured in a locked enclosure to prevent unauthorized access. Energy efficiency is addressed through SB 242, which authorizes downtown development authorities to provide financing to property owners citywide for the purpose of installing or modifying improvements to their property in order to reduce energy or water consumption or to install an improvement to such property that produces energy from renewable resources.

The **Kentucky** General Assembly enacted 28 energy and environmental bills. HCR 109 urges Congress to persuade the U.S. Environmental Protection Agency (EPA) to withdraw its proposed Greenhouse Gas New Source Performance Standards (NSPS) for Electric Generating Units. Due to recent actions by the federal Office of Surface Mining (OSM) in Kentucky, the legislature established the Reclamation Guaranty Fund through HB 66. The Reclamation Guaranty Fund (RGF) will provide money, in addition to permit specific reclamation bonds, to ensure completion of necessary reclamation of coal mines. By default, all permittees will be included in the RGF. However, permittees may choose to opt out of the RGF in exchange for providing full-cost reclamation bonds calculated in reference to OSM guidance.

In **Louisiana**, 36 bills covering energy and environmental issues passed the legislature. Two bills, HB 493 and HB 494, regulate salt domes and solution-mined caverns and are in reaction to a large sinkhole that appeared in the summer of 2012. HB 493 addresses how companies gain access to the salt domes in the state. It requires the Commissioner of Conservation to make, after notice and hearings, any reasonable rules, regulations, and orders that are necessary to control solution-mining injection wells, the permitting of such wells, and the resulting solution-mined cavern. HB 494 is geared toward the property owners in the areas that can be affected by drilling. The measure calls for real estate agents to add solution-mined caverns to the list of disclosures they must make about property for sale. Agents will have to tell potential buyers if a solution-mined cavern lies underneath or within a half-mile of the property in question.

Seventy-one bills related to energy and the environment were passed by **Maryland** legislators this year. HB 226, known as the Offshore Wind Activity Act of 2013, creates a “carve-out” for energy derived from offshore wind in the State Renewable Energy Portfolio Standard, beginning in 2017, and extending beyond 2022. The bill establishes an application and review process for proposed offshore wind projects by the Public Service Commission. The legislation specifies a window of maximum projected rate impacts for both residential and nonresidential electric customers due to the bill. The bill establishes a Maryland Offshore Wind Business Development Fund and Advisory Committee in the Maryland Energy Administration to promote emerging businesses related to offshore wind and also establishes a Clean Energy Program Task Force and a Clean Energy Technical Education Task Force. In regard to environmental policy, HB 95 alters the public participation requirements associated with the issuance of an air pollution permit to sources that must comply with specified federal air quality NSPS regulations. Prior to issuing a permit for a source that must comply with NSPS standards, the Maryland Department of the Environment (MDE) may provide notice either through the current public participation process or by electronically posting a



notice of the permit application on MDE's website; giving notice to the chief executive of any local government in which a portion of the source is located or proposed to be located; and receiving comments from the public.

The **Mississippi** legislature adopted 46 acts addressing energy and environmental matters. During this session, the legislature adopted three pieces of significant energy efficiency legislation. HB 1266 provides enhanced building codes for state buildings. HB 1281 requires the Mississippi Development Authority to adopt certain standards for building construction of commercial buildings. HB 1296, entitled the Mississippi Energy Sustainability and Development Act, restructures and provides direction for the state's energy office, the Mississippi Development Authority's Energy and Natural Resources Division, and provides the office with the tools to promote the state's energy resources and to encourage greater energy efficiency within state agencies. In regard to oil and gas development, HB 841 provides that the sale of electricity, current, power, steam, coal, natural gas, liquefied petroleum gas, or other fuel to a producer of oil and gas for use directly in enhanced oil recovery (EOR) using carbon dioxide or the permanent sequestration of carbon dioxide in a geological formation will be taxed at the rate of 1.5 percent. HB 1698 reduces the severance tax to 1.30 percent for oil and gas extracted from horizontally drilled wells for a period 30 months or until payout of the well for all qualified wells drilled from July 1, 2013 to June 30, 2018.

The **Missouri** legislature adopted 38 energy and environmental measures during the 2013 legislative session. SB 142 addresses demand side programs offered by a major utility. The bill specifies that the exclusion from eligibility in any demand-side program offered by an electrical corporation of certain tax credits does not apply to low-income programs and their participants. Prior to this bill, any customer of an electrical corporation that had received a Missouri Low-Income Housing Tax Credit or a Historic Structures Rehabilitation Tax Credit was not eligible for participation in any demand side program offered by an electrical corporation under the Missouri Energy Efficiency Investment Act if the program offered a monetary incentive to the customer. Like several other states in 2013, Missouri addressed idle control technology for vehicles. SB 43 increases the weight limit for idle reduction technology to 550 pounds to reflect the new maximum federal limit. Under prior law, Missouri allowed vehicles equipped with idle reduction technology to exceed the maximum gross vehicle weight limit and the axle weight limit by up to 400 pounds to compensate for the additional weight of the idle reduction technology. Under federal law, the total allowable weight exemption for idle reduction technology was recently increased to 550 pounds.

The **North Carolina** General Assembly passed 86 energy and environmental bills. SB 635 addresses transmission line construction. The measure clarifies that only incumbent providers may construct new electricity transmission lines. Only a public utility may obtain a certificate to construct a new transmission line, except an entity may obtain a certificate to construct a new transmission line solely for the purpose of providing interconnection of an electric generation facility. The bill redefines "public utilities" as investor-owned companies, electric membership cooperatives, joint municipal power agencies, and cities or counties furnishing electricity for public or private use. HB 74, the Regulatory Reform Act of 2013, made numerous changes to



rulemaking laws and procedures, state and local government regulations, business and labor regulations, and various environmental and public health regulations. The bill also significantly amended environmental and natural resources laws

The **Oklahoma** legislature considered and adopted 41 energy and environmental bills. HB 515 lowers the motor fuel tax rate for liquefied natural gas to \$0.05 per diesel gallons equivalent beginning on January 1, 2014. The lower tax rate would be in effect until the expiration of the tax credit for investments in qualified clean-burning motor vehicle fuel property. The tax credit is set to expire on January 1, 2015. The legislative intent is to allow the development of LNG distribution systems. In regard to oil and gas development, SB 166 provides that the exemption from ad valorem tax by reason of the payment of the gross production tax will include the wellbore and non-recoverable downhole material, including casing, actually used in the disposal of waste materials produced with such oil or gas.

Since the publication of the **2012 Legislative Digest, Puerto Rico** adopted three pieces of energy and environmental legislation. The most significant piece of legislation is HB 1277, which adjusts the taxes on petroleum-based products. The new tax per gallon is \$0.16 for gasoline; \$0.03 for jet fuel; \$0.04 for gas oil or diesel oil; and \$0.08 for other combustion fuels. In addition, crude oil, partially elaborated products or final products derived from oil, and any other hydrocarbon mix, excluding natural gas, will pay \$9.25 a barrel or any fraction of barrel. These taxes will be subject to an inflationary adjustment of 1.5 percent a year, which will be effective every four years beginning July 1.

During the 2013 Session, **South Carolina** passed 24 new laws related to energy and the environment. Through HB 3568, South Carolina was one of several states taking considerable steps to decrease utility tampering. HB 3568 increases the penalties for repeat offenders who alter, tamper with, or bypass electric, gas, or water meters. This bill creates an offense of tampering with these meters for profit, and it provides a graduated penalty scheme when the tampering results in substantial property damage or the risk or great bodily injury or death. The legislation also creates an offense of tampering with meters in conjunction with growing or manufacturing illegal drugs. The legislation increases penalties for repeat offenders who unlawfully appropriate gas from another for use and provides a graduated penalty scheme when violations result in substantial property damage or the risk or great bodily injury or death. Penalties are also increased for repeat offenders who wrongfully use gas and interfere with gas meters and provides a graduated penalty scheme when violations result in substantial property damage or the risk or great bodily injury or death.

Tennessee enacted 36 pieces of legislation related to energy and the environment. Similar to actions in several states, HB 1272/SB 852 authorizes their Department of Environment and Conservation to implement a grant subsidy program for purchasing new vehicles or converting existing vehicles to accept compressed natural gas or liquefied natural gas as a fuel source for vehicles. Local government, school, and private fleet vehicles will qualify. Each entity receiving a grant will be required to purchase or convert a minimum of three cars. The grants will provide up to 50 percent of the



incremental purchase cost of the vehicle or conversion. The maximum benefit per vehicle will be capped at \$25,000.

Texas passed 91 energy and environmental bills. HB 2446 significantly alters the state's tax code regarding clean energy projects. One major change provided by HB 2446 is a natural gas project used in the generation of electricity and qualifying for the clean energy tax credit will be required to capture not less than 50 percent of the carbon dioxide in the portion of the emissions stream from the facility that is associated with the project and sequester that captured carbon dioxide by geologic storage or other means. In regard to energy efficiency, SB 385, or the Property Assessed Clean Energy (PACE) bill, clears some of the hurdles that prohibit commercial and industrial properties from taking advantage of new financing for energy improvements. PACE allows property owners to pay for water and energy efficiency upgrades or renewable energy improvements with loans, which are then repaid through an annual charge on their property tax bill.

Since the publication of the **2012 Legislative Digest**, the **U.S. Virgin Islands** has adopted three pieces of energy legislation. The Virgin Islands continue to seek assistance from the federal government to lower energy costs. R 44 urges the House of Representatives of the Congress of the United States to adopt House Resolution 92, known as the Virgin Islands Energy Crisis Relief Act, which authorizes a \$100 million grant to the Virgin Islands Water and Power Authority and a grant of \$15 million to convert power generation from fuel oil (diesel) to natural gas. The Virgin Islands Public Services Commission, which regulates public utilities in the territory, has publicly stated that the high rates of electricity are depriving the local economy of between \$150-250 million annually and that the current electrical rates cannot be sustained for a significant time without substantial harm to the economy of the Virgin Islands.

The **Virginia** General Assembly passed 86 pieces of energy and environmental legislation. In a step to make the state a leader in nuclear energy, HB 1790/SB 1138 establishes the Virginia Nuclear Energy Consortium Authority (Authority) as a political subdivision of the Commonwealth for the purposes of making the Commonwealth a national and global leader in nuclear energy and serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues. The 17-member Board of Directors of the Authority is directed to form a nonstock, nonprofit corporation, referred to as the Virginia Nuclear Energy Consortium (Consortium). Membership in the Consortium is open to specified educational institutions, Virginia-based federal research laboratories, nuclear-related nonprofit organizations, business entities with operating facilities in Virginia that are engaged in activities directly related to the nuclear energy industry, and other persons whose membership is approved by the Consortium's Board of Directors.

Twenty-one bills related to energy and environment passed the **West Virginia** legislature. As West Virginia continues to address the issues surrounding hydraulic fracturing, SB 243 authorizes the state Department of Environmental Protection's Office of Oil and Gas (OOG) to promulgate the pending Horizontal Well Act regulations. This bill allows an operator to designate certain information regarding hydraulic fracturing



chemicals as trade secret when filling out a well completion report. The trade secret measure compels the operator to share the information designated as trade secret with health professionals or the OOG in the event of a medical emergency or an investigation by the OOG. HB 2505 addresses oil and gas infrastructure. HB 2505 increases the maximum penalties for pipeline safety violations from \$1,000 per day to \$200,000 per day for each day that the violation persists. The maximum aggregate penalty for any “related series” of violations has been increased from \$200,000 to \$2,000,000. This bill provides that a company may not seek a rate increase from the Public Service Commission based upon amounts paid in penalties for pipeline safety violations. HB 2505 only applies to intrastate gas transmission lines.

Representative Rocky Adkins
Commonwealth of Kentucky
SSEB Vice-Chair





Categories of Energy Legislation

The following categories are used in the ***Digest*** to best organize the wide array of legislation passed in the South. The purpose of this section is to familiarize the reader with the possible categorical legislative trends in the southern region. Legislation is first categorized by state and then by category.

Alternative Energy Development

The category of *Alternative Energy Development* includes legislation related to the barriers and costs associated with the development and use of alternative energy sources, uses and technologies.

Coal and Minerals

The category of *Coal and Minerals* addresses all aspects of coal and mineral extraction, production and transportation. Legislation in this area encompasses mineral rights, mine safety and inspection, royalty distribution and crushing operations. (See *Land Management and Conservation* under **Environmental Legislation** for new laws relating to land restoration.)

Emergency Management and Homeland Security

The category of *Emergency Management and Homeland Security* addresses the role of state governments in response to natural or man-made emergencies involving critical energy infrastructure and supply. These emergencies may require intrastate, interstate and/or national response and includes intentional acts of terrorism.

Energy Efficiency

The category of *Energy Efficiency* includes legislation pertaining to the development and promotion of energy efficient technologies and programs for buildings, homes, transportation, power systems and industry and related energy conservation issues.

Natural Gas and Petroleum

The category of *Natural Gas and Petroleum* addresses regulations on all aspects of natural gas and petroleum exploration, development, production, importation, transportation, storage and marketing.

Reorganization and Coordination

The category of *Reorganization and Coordination* is composed of legislation affecting the responsibilities or functions of existing state governmental agencies and departments that handle energy matters. Such legislation includes the creation of or changes in department or commission responsibilities and the requirements regarding notice to or coordination of agencies.



Utilities

The category of *Utilities* focuses on legislation affecting water, gas and electric services provided by utility and power companies. The types of legislation enacted in this area deal with changes in rates, production, distribution, services, operations, least cost planning and the location of utility services.



Categories of Environmental Legislation

Air Quality and Pollution Control

The category of *Air Quality and Pollution Control* includes legislation regarding various pollutants that are released and emitted into the atmosphere. Specifically, measures in this category include air quality control acts, emission standards, acid rain initiatives and ozone non-attainment.

Coastal Zone Management

The category of *Coastal Zone Management* involves the preservation and enhancement of both offshore and onshore environments, including coastal landforms and marine ecosystems. Measures within this category include shore erosion controls, protection of aquatic vegetation and offshore reefs, control of marine harvests and federal-state consistency provisions.

Emergency Management and Homeland Security

The category of *Emergency Management and Homeland Security* addresses the role of state governments in response to natural or man-made emergencies which compromise environmental security and health. These emergencies may require intrastate, interstate and/or national response and include intentional acts of terrorism.

Environmental Health Services

The category of *Environmental Health Services* includes measures enacted to discourage and prevent activities, which disrupt life-support systems for humans and other species, damage wildlife and human health and produce nuisances such as noise.

Hazardous Waste and Substance Management

The category of *Hazardous Waste and Substance Management* contains legislation relating to toxic substances. The primary purpose of this legislation is to control the production, transportation, use and disposal of toxic substances and wastes. (See *Radioactive Waste* for new laws relating to radioactive materials; see *Solid Waste* for new laws relating to non-toxic materials.)

Inland Water Resource Management and Conservation

The category of *Inland Water Resource Management and Conservation* consists of legislation related to the conservation, permitting, management and protection of inland water sources and/or reservoirs (e.g., lakes, rivers, streams and tributaries, groundwater, etc.). It includes measures that provide for the capture and control of the water supply, management and protection of wetlands and watersheds and the regulation of outdoor water activities such as fishing and boating. The category also includes measures pertaining to the responsibility, function and jurisdiction of relative state and local government agencies.



Land Management and Conservation

The category of *Land Management and Conservation* incorporates legislation concerning the management and protection of public and private lands and ecosystems. Legislation in this category includes land and growth management, land reclamation and restoration activities, including brownfield mitigation, soil erosion, abatement and prevention, environmental covenants, forestry and timber harvesting, hunting regulations and park management.

Radioactive Waste

The category of *Radioactive Waste* focuses on legislation related to the proper handling, storage, transportation and disposal of high-level and low-level radioactive waste. High-level radioactive waste includes spent fuel and other high-level wastes generated from nuclear operations. Low-level radioactive waste includes any material discarded from a nuclear operation that has been exposed to radiation.

Reorganization and Coordination

The category of *Reorganization and Coordination* is composed of legislation affecting the responsibilities and functions of existing state governmental agencies and departments that handle environmental matters. Such legislation includes the creation of or changes in department or commission responsibilities and regarding notice to or coordination of agencies.

Solid Waste

The category of *Solid Waste* entails legislation relating to the treatment, disposal and/or recycling of refuse, scrap, tailings, chemical effluents, litter and agricultural or industrial wastes. While some legislation uses the term “solid waste” and “hazardous waste” interchangeably, this digest will use “solid waste” for those wastes that are non-toxic and “hazardous waste” for toxic materials. (See *Radioactive Waste* for all radioactive waste materials; see *Hazardous Waste and Substance Management* for regulation of toxic substances.)

Water Quality and Pollution Control

The category of *Water Quality and Pollution Control* concerns the purity of water as a resource for public and industrial uses. Legislation within this category pertains to quality control measures that guard against the contamination of water supplied by lakes, rivers, streams and tributaries and/or groundwater. Furthermore, this category contains legislation relating to the recycling of contaminated water and/or sewage.



Matrices and Graphs

The matrices and graphs on the following pages illustrate energy and environmental quality legislative activity observed in SSEB member states during this year's legislative session. The matrices provide readers with a quick view of the categories of laws passed by each state.

The graphics on "Overall Energy Legislation" and "Overall Environmental Legislation" show the collective number of bills enacted by category during the year in the bar charts and as percentages in the pie charts.

A list of abbreviations used in the graphics is provided. Readers should refer to the categories section for more information on the criteria used in assigning legislation to the categories.



Abbreviations

Energy Legislation Categories

AED	Alternative Energy Development
CM	Coal and Minerals
EMHS	Emergency Management and Homeland Security
EE	Energy Efficiency
NGP	Natural Gas and Petroleum
RC	Reorganization and Coordination
U	Utilities

Environmental Legislation Categories

AQPC	Air Quality and Pollution Control
CZM	Coastal Zone Management
EMHS	Emergency Management and Homeland Security
EHS	Environmental Health Services
HWSM	Hazardous Waste and Substance Management
IWRMC	Inland Water Resource Management and Conservation
LMC	Land Management and Conservation
RW	Radioactive Waste
RC	Reorganization and Coordination
SW	Solid Waste
WQPC	Water Quality and Pollution Control

Legislation Prefix

SB	Senate Bill
SCR	Senate Concurrent Resolution
SJR	Senate Joint Resolution
SR	Senate Resolution
HB	House Bill
HCR	House Concurrent Resolution
HJR	House Joint Resolution
HR	House Resolution
B	Bill
R	Resolution



Matrix of 2013 Energy Legislation

Categories of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AED	✓	✓	✓	✓	✓	✓	✓		✓	✓				✓	✓		✓	
CM		✓			✓	✓			✓		✓				✓		✓	✓
EMHS							✓	✓	✓									
EE		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓		
NGP	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
RC	✓	✓			✓	✓	✓	✓	✓	✓	✓			✓	✓		✓	
U	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓

Matrix of 2013 Environmental Legislation

Categories of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AQPC		✓		✓	✓		✓		✓	✓				✓	✓		✓	
CZM	✓		✓	✓		✓	✓	✓		✓			✓		✓		✓	
EMHS	✓		✓							✓	✓			✓	✓			
EHS	✓	✓	✓	✓		✓	✓	✓		✓	✓		✓	✓			✓	✓
HWSM	✓			✓	✓				✓		✓			✓			✓	
IWRMC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	
LMC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓
RW																		
RC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓		✓	✓
SW	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	
WQPC		✓	✓		✓		✓		✓	✓	✓				✓		✓	✓

Energy

AED	Alternative Energy Development
CM	Coal and Minerals
EMHS	Emergency Management and Homeland Security
EE	Energy Efficiency
NGP	Natural Gas and Petroleum
RC	Reorganization and Coordination
U	Utilities

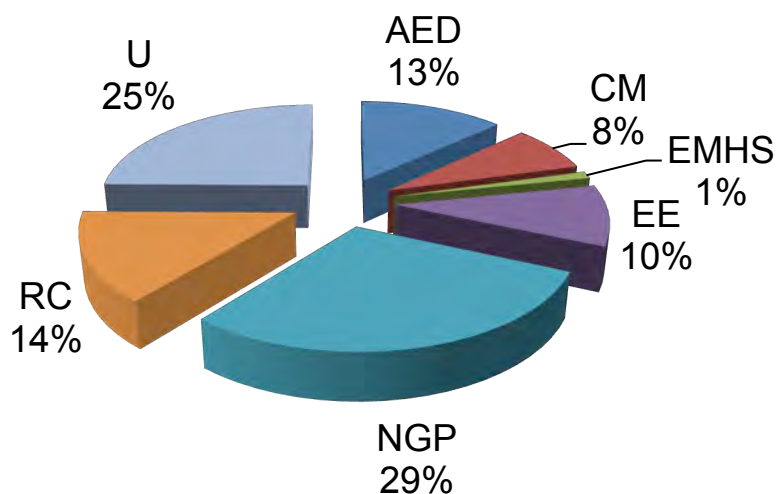
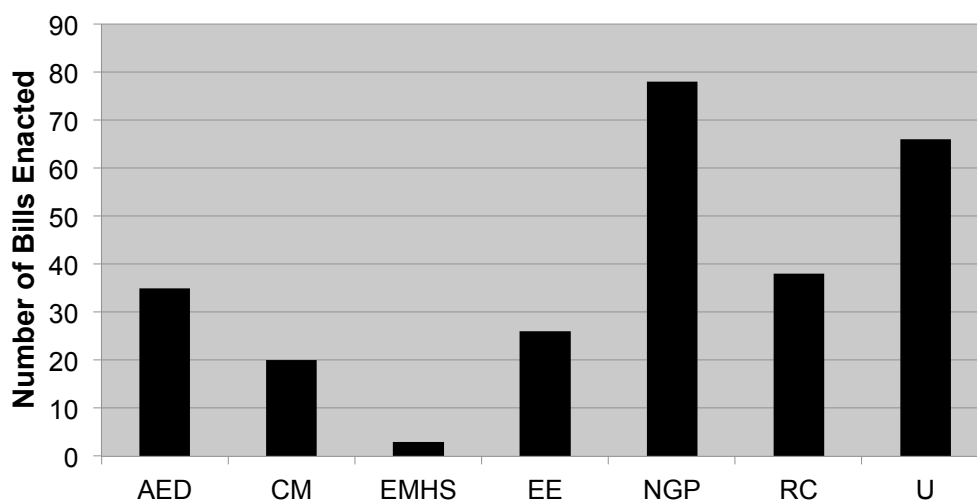
Environmental

AQPC	Air Quality and Pollution Control
CZM	Coastal Zone Management
EMHS	Emergency Management and Homeland Security
EHS	Environmental Health Services
HWSM	Hazardous Waste and Substance Management
IWRMC	Inland Water Resource Management and Conservation
LMC	Land Management and Conservation
RW	Radioactive Waste
RC	Reorganization and Coordination
SW	Solid Waste
WQPC	Water Quality and Pollution Control





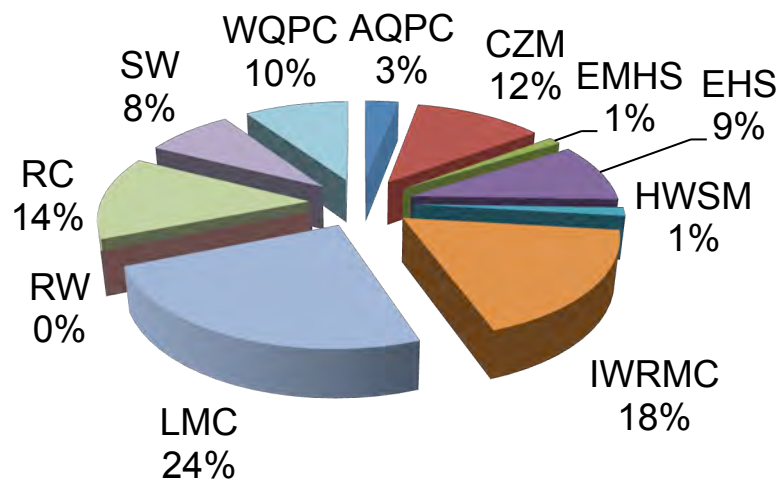
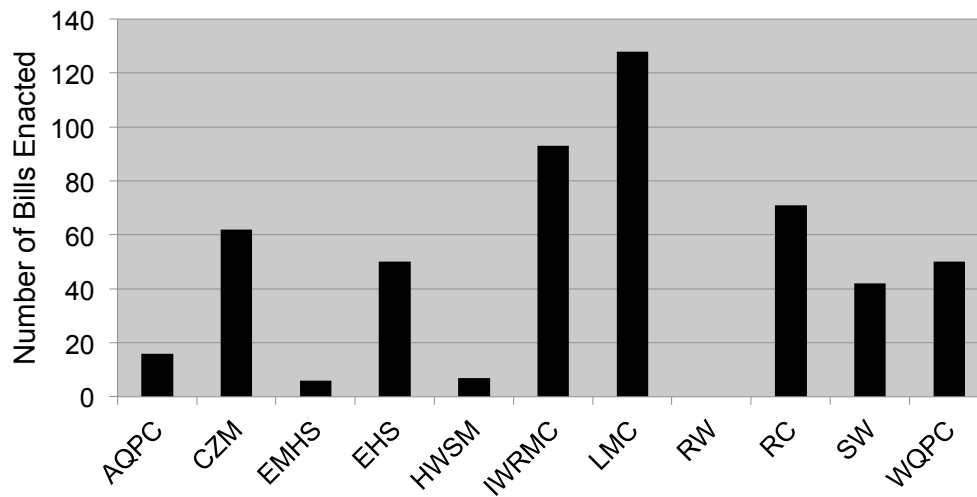
Overall Energy Legislation



AED	Alternative Energy Development
CM	Coal and Minerals
EMHS	Emergency Management and Homeland Security
EE	Energy Efficiency
NGP	Natural Gas and Petroleum
RC	Reorganization and Coordination
U	Utilities



Overall Environmental Legislation



AQPC	Air Quality and Pollution Control
CZM	Coastal Zone Management
EMHS	Emergency Management and Homeland Security
EHS	Environmental Health Services
HWSM	Hazardous Waste and Substance Management
IWRMC	Inland Water Resource Management and Conservation
LMC	Land Management and Conservation
RW	Radioactive Waste
RC	Reorganization and Coordination
SW	Solid Waste
WQPC	Water Quality and Pollution Control





ALABAMA

Energy Legislation

Alternative Energy Development

HB 676: Wind Energy in Baldwin County

Rep. Randy Davis

Authorizes the Baldwin County Commission (Commission) to regulate the permitting, construction, placement, and operation of wind turbines, wind mills, wind farms, and any other wind-generated energy production facilities or equipment operated by wind in the unincorporated areas of Baldwin County. This legislation allows the Commission to establish standards, specifications, criteria, and conditions on the permitting, construction, placement, and operation of wind-generated energy production facilities or equipment operated in the county. The Commission will determine the appropriate locations for these facilities or equipment and can establish remedies and penalties for the violation of any laws, ordinances, rules, or regulations adopted pursuant to this legislation.

Natural Gas and Petroleum

HB 163: Oil and Gas Severance Taxes in Escambia County

Rep. Alan Baker

Provides a proposed state constitutional amendment to be placed on an election ballot to authorize the trustees of the Escambia County Oil and Gas Severance Trust to loan funds to Escambia County specifically for economic development and for roads and bridges and other capital projects in the county and to authorize other investments as otherwise provided for by local law.

HB 261: Terminal Excise Tax Act Corrections

Rep. Alan Baker

Makes certain technical corrections to the Terminal Excise Tax Act of 2011, which changed the point of taxation from the distributor level to the terminal rack. This bill excludes transmix and exports from the Wholesale Oil License Fee. Also, this legislation exempts K-1 kerosene and aviation fuel refined in Alabama that is sold for immediate export from the Terminal Excise Tax.

HB 279: Jet Fuel Sales and Use Tax Exemptions

Rep. Mac McCutcheon

Exempts purchases of aviation jet fuel made by air carriers conducting scheduled all-cargo operations engaged in international flights from sales and use tax. In addition, this legislation provides for a refund of excise tax paid at the rack on purchases of aviation jet fuel made by air carriers.



HB 503: Oil and Gas Board Authority over Fracture Stimulation Operations and Oil Sands Development

Rep. Greg Wren

Specifies the authority of the Oil and Gas Board relating to oil sands development; provides for fees to fracture a coal group or geologic formation; and authorizes the Board by rule to set fees for operations to recover oil from oil sands.

Under this legislation, any person proposing to fracture a coal group or geologic formation must notify the State Oil and Gas Supervisor. The notification must be in a form prescribed by the State Oil and Gas Supervisor and be accompanied by a fee paid to the State Treasurer not to exceed \$250 for each stage of a fracture stimulation operation in an individual well, up to a maximum fee of \$750 per well, regardless of the number of fracture stages proposed. With respect to coalbed methane operations, a stage of a fracture stimulation operation will be considered the fracturing of a single coal group. All fees for a proposal to fracture a coal group or geologic formation will be deposited into the State Oil and Gas Board Special Fund and disbursed by the State Treasurer upon warrants drawn by the State Comptroller for the purpose of defraying the expenses incurred by the State Oil and Gas Board in the performance of its duties.

This bill requires that any person proposing a surface mining operation to recover oil from oil sands must notify the State Oil and Gas Supervisor. The notification must be in a form prescribed by the State Oil and Gas Supervisor and be accompanied by a fee paid to the State Treasurer in an amount based on acreage of the operation. The acreage fees for surface mining operations to recover oil from oil sands will be set by rule of the State Oil and Gas Board. All fees for a proposal to conduct surface mining operations to recover oil from oil sands paid will be deposited into the State Oil and Gas Board Special Fund and disbursed by the State Treasurer upon warrants drawn by the State Comptroller for the purpose of defraying the expenses incurred by the State Oil and Gas Board in the performance of its duties.

HB 514: Oil and Gas Excise Tax Uses

Rep. Dexter Grimsley

Allows the proceeds of the four cent excise tax on gasoline and lubricating oil distributed to counties to be used for vegetation management on the rights-of-way of county roads. The other prior permissible uses include bridge replacement as well as resurfacing, restoring, and rehabilitating roads.

HB 609: Oil and Gas Severance Taxes in Baldwin County

Rep. Stephen McMillan

Provides that, notwithstanding any legal limitation that might otherwise be applicable, the Trustees of the Baldwin County Oil and Gas Severance Tax Trust Fund (Trust Fund) have the authority in their discretion to loan, in one transaction and one transaction only, all or any part of the funds on deposit in the Trust Fund to Baldwin County. The bill gives the Baldwin County Commission the authority in their discretion, in one transaction and one transaction only, to borrow the funds from the Trust Fund. The Baldwin County Commission is required to expend all funds borrowed solely for the purpose of encouraging, promoting, or assisting economic and industrial development



in Baldwin County including, but not limited to, acquisition of property or projects or financing or refinancing of new or existing projects, or for the construction, maintenance, or repair of roads and bridges within Baldwin County directly related to specific economic and industrial development projects. Any loan by the Trust Fund must be a general obligation of Baldwin County, the repayment of which shall be made in equal semiannual installments of principal and interest over a term not to exceed 15 years from the date of the loan, at a rate of interest equal to 1 percent more than the published market rate payable on 10-year term U. S. Treasury Notes prevailing on the date of the loan. Repaid principal funds may not be borrowed a second time under this legislation.

Reorganization and Coordination

HB 62: Public Service Commission Sunset

Rep. Howard Sanderford

Continues the Public Service Commission (PSC) until October 1, 2014.

HB 455: Major 21st Century Manufacturing Zones

Rep. Randy Davis

Provides the governing bodies of counties the power to designate qualifying large contiguous tracts of underutilized real property as Major 21st Century Manufacturing Zones.

HB 507: Public Service Commission Requirements and Prohibitions

Rep. Jim Carns

Remove the prohibition on election or appointment of members of the Public Service Commission from the same Congressional district. Also, this bill removes the requirement that members of the PSC reside in Montgomery.

SB 57: Establishment of the Office of Fleet Management

Sen. Cam Ward

Establishes the Office of Fleet Management within the state Department of Transportation to manage the purchase, lease, operation, maintenance and disposal of state-owned vehicles.

SB 96: Major 21st Century Manufacturing Zones

Sen. Arthur Orr

Expands the use of tax-increment district financing to include certain facilities located within a Major 21st Century Manufacturing Zone. The bill states the many municipalities have underutilized large tracts of real property suitable for the location of automotive, automotive industry-related, aviation, aviation industry-related, medical, pharmaceutical, semiconductor, computer, electronics, energy conservation, cyber technology, and biomedical industry manufacturing facilities, which enhances the public benefit and welfare by facilitating the creation of skilled manufacturing jobs, promoting local economic development and the stimulation of the local economy, creating additional tax revenues, and enhancing the public's overall quality of life.



To qualify as a Major 21st Century Manufacturing Zone, the area must be at least 250 contiguous acres and designated by a municipality to be:

- Located in whole or in part within its boundaries or corporate limits;
- Suitable for the site of an automotive, automotive industry-related, aviation, aviation industry-related, medical, pharmaceutical, semiconductor, computer, electronics, energy conservation, cyber technology, or biomedical industry manufacturing facility or facilities; and
- An area within which an anticipated capital investment of at least \$100 million for such project will be made.

Utilities

SB 66: Public Utilities Tampering

Sen. Greg Reed

Provides that a person commits the crime of criminal tampering if the person having no right to do so or any reasonable ground to believe that he or she has such a right intentionally causes substantial interruption or impairment of a service rendered to the public by a utility. Under this legislation, threatening an individual with a deadly weapon or dangerous instrument with the intent to obstruct the operation of a utility also constitutes criminal tampering. The provision relating to threats only applies if the individual is working under the procedures and within the scope of his or her duties as an employee of the utility and has properly identified himself or herself when asked by stating his or her name, employer, and purpose of work. Criminal tampering in the first degree remains a Class C felony.

SB 153: Municipal Utility System Ancillary Contractors

Sen. Billy Beasley

Authorizes governing bodies to enter into agreements with companies duly registered as service contract providers to make available ancillary service contracts to residential utility customers of the city or town's utilities system, including residential water, sewer, gas, and electric utility services customers, with the endorsement of the city or town, if deemed appropriate. The governing body may apply any fees it receives from the agreements to its general revenue fund; provided however, no city or town shall require utility customers to purchase an ancillary service contract.





ALABAMA

Environmental Legislation

Coastal Zone Management

HB 88: Bar Pilot Fees

Rep. James Buskey

Amends the fees of bar pilots in Mobile Bay or Harbor. The master, owner, agent, or operator of any ship or vessel shall pay the pilot who conducts a vessel into or out of the Bay or Harbor of Mobile a fee to be fixed by the State Pilotage Commission at the following rate for actual draft of water at the time of pilotage for every vessel crossing the outer bar of Mobile Bay:

- Effective January 1, 2010, the sum of \$31 per draft foot; effective January 1, 2014, the sum of \$33 per draft foot; effective January 1, 2015, the sum of \$35 per draft foot; and effective January 1, 2016, and thereafter, the sum of \$37 per draft foot. The minimum pilot fee shall be computed on a minimum of 15 feet regardless of whether or not the vessel has a draft of less than 15 feet at the time of pilotage.
- Effective May 1, 2013, for each of the vessel's maximum registered gross tons, the sum of \$0.050 per ton; effective January 1, 2014, the sum of \$0.055 per ton; effective January 1, 2015, the sum of \$0.0575 per ton; and effective January 1, 2016, and thereafter, the sum of \$0.060 per ton. The minimum pilot fee shall be computed on a minimum of 6,500 maximum registered gross tons, regardless of whether or not the vessel has a maximum registered gross tonnage of less than 6,500 maximum registered gross tons.

HB 361: Shellfish Aquaculture Review Board

Rep. David Sessions

Creates the Shellfish Aquaculture Review Board (Board). This bill requires the Board to develop an oyster aquaculture program for the leasing of submerged coastal lands to cultivate and harvest oysters for commercial purposes. HB 361 authorizes the Department of Conservation and Natural Resources (DCNR) to implement the leasing program.

HB 407: Finfish

Rep. David Sessions

Provides that a commercial fishing license is required for any person selling or attempting to sell finfish or taking or attempting to take, by the use of hook and line, rod and reel, cast net, gig, trot line, spear gun, or bow and arrow, or other gear, or to possess or transport for commercial purposes finfish from those waters under the jurisdiction of the Marine Resources Division of the Department of Conservation and Natural Resources. A commercial fishing license is required to possess finfish for commercial



purposes on board a boat in those waters under the jurisdiction of the Marine Resources Division of the DCNR. Additionally, a commercial fishing license is required to off-load or land a catch of finfish to a resident or nonresident seafood dealer, regardless of where the fish were taken.

Under this measure, a commercial fishing license will not be required for a commercial gill net license holder in order for the licensee to take, possess, or sell his or her catch taken with a gill net, seine, or other entangling net, nor will it be required for the taking, possession, and sale of finfish taken with a licensed commercial shrimp boat.

Emergency Management and Homeland Security

HB 251: Fire Protection Services

Rep. Mac McCutcheon

Amends the definition of “fire protection service” to mean all services involved in protecting property and life from fires, including, but not limited to, discovering, ascertaining, extinguishing, preventing the spread of or fighting fires, or inspecting property for fire hazards. The supplying of water for use in the rendition of fire protection service is deemed to constitute fire protection service. Also under this bill, the searching for, testing for, or drilling for water, the installation of necessary access ways, electric, gas, sewer, telephone, and water lines to, from, and for, the construction of buildings and accessory structures used for, and the operation and maintenance of, and pumping water from a well, a spring, a creek, a river or tributary thereof, a reservoir, or a tank by a public corporation constitutes fire protection service.

Environmental Health Services

HB 27: Aggravated Animal Cruelty

Rep. Joe Faust

Establishes the crime of aggravated animal cruelty when the act of cruelty or neglect involves infliction of torture to the animal. Torture is the infliction of inhumane treatment or gross physical abuse meant to cause the animal intensive or prolonged pain, serious physical injury, or death of the animal. Aggravated animal cruelty is a Class C felony.

HB 335: Construction Monitoring Services

Rep. Jamie Ison

Codifies the existing common law of Alabama as it relates to the civil liability of a person or entity that contracts with an awarding authority to perform construction monitoring services relating to the construction, repair, resurfacing, refurbishment, replacement, removal, modification, alteration, or other improvement of any public or private infrastructure located within the borders of the State of Alabama.

HB 576: Dead Animals

Rep. Jim Patterson

Authorizes that the Madison County Commission (Commission) may provide for the burial or burning or other disposition of dead cattle, swine, livestock, or other animals



on public property and private property when the owner or custodian of the animals fails to do so. The Commission is authorized to make provisions for the disposition and may levy a fee to the known owner for the disposition.

Hazardous Waste and Substance Management

HB 181: Hazardous Waste Fees

Rep. A. J. McCampbell

Reduces the state fees paid by operators of commercial sites for the disposal of hazardous waste or hazardous substances from between \$41.60 to \$11.60 per ton to \$5.50 per ton.

Inland Water Resource Management and Conservation

HB 204: Obstruction of Public Waters

Rep. Paul Lee

Prohibits a person from obstructing navigation on public waters without a license or permit. Any person that anchors, moors, or abandons a floating pier, barge, or vessel or sunken or submerged pier, barge, or vessel that obstructs navigation on a public water will be fined not less than \$100 nor more than \$1,000 per day. This legislation does not apply to public waters used primarily for agricultural, industrial, power generation, public water supply, and sanitation purposes.

HB 339: Alabama Aquatic Plant Management Act

Rep. Wes Long

Creates the Alabama Board for Aquatic Plant Management (Board) and the Aquatic Plant Management Fund (Fund). The stated intent of the legislation is that the management of aquatic plants in the waters of the Tennessee River be carried out under the general supervision and stewardship of a board, as preventing the spread of and managing the infestation of invasive aquatic plants in public waters of the Tennessee River and its tributaries is best accomplished through coordinated educational and management activities.

The Board will consist of the Commissioner of the Department of Conservation and Natural Resources or his or her designee; the Commissioner of the Department of Agriculture and Industries or his or her designee; the Director of the Department of Environmental Management or his or her designee; the Director of the Department of Economic and Community Affairs or his or her designee; the department head of the Auburn University College of Agriculture School of Fisheries and Allied Aquacultures or his or her designee; a representative of the U.S. Army Corps of Engineers designated by the U.S. Army Corps of Engineers; a member appointed by the Speaker of the House of Representatives; a member appointed by the President Pro Tempore of the Senate; and a member appointed by the Governor who represents the recreational sport fishing industry.

The Board will monitor and coordinate the management, treatment, and stewardship of aquatic plants in the waters of the Tennessee River and direct the research and planning



related to these activities, as provided in this Act, so as to protect human health, safety, recreation, and fisheries and, to the greatest degree practicable, prevent injury to non-invasive plant and animal life and property.

The Fund will be a non-reverting fund administered by the Board and will consist of all monies received by the Board. Money received from any state fund, federal funds, or any other lawful source, including, but not limited to, gifts, grants, donations, securities, fees, assessments, settlements, or other assets, public or private, may be deposited in the Fund. The Board may accept gifts, grants, contracts, or other funds designated for aquatic plant management. The Board may expend funds through grants or contracts to communities, local authorities, plant management districts, or other entities that it considers appropriate for aquatic plant management projects. The Board may provide grants to the Cooperative Extension System for aquatic plant management research, evaluation, and education. The Cooperative Extension System must submit annual reports on current projects and future plans to the Board.

SB 35: Small Private Water System Utilities

Sen. Jerry Fielding

Authorizes a small private water system utility, which purchases water from a municipal water system in a Class 8 municipality, to elect to be exempt from regulation of the Public Service Commission and subject to regulation by the municipality from which it purchases its water.

SB 204: Irrigation Tax Credits

Sen. Arthur Orr

Decreases the annual flow rate of rivers or streams excepted from the qualified reservoir requirement under the Agricultural Irrigation Systems Tax Credit to 8,000 cubic feet per second from the previous 10,000 cubic feet per second. The bill also allows the tax credit to be carried forward to each of the five years following the taxable year that the qualified irrigation system or reservoir is placed in service. In addition, the Act clarifies that shareholders of certain business entities, such as S corporations, receive a pro rata share of the credit earned by the pass-through entity.

SB 295: Limestone County Commission Water Ordinances

Sen. Bill Holtzclaw

Authorizes the Limestone County Commission to adopt ordinances to protect and conserve water, water supplies, and water usage outside the corporate limits of any municipality in the county.

SB 410: No Wake Zones on Lake Harding

Sen. Gerald Dial

Provides for a no-wake zone within 100 feet of a dock or pier on the waters of Lake Harding.



Land Management and Conservation

SB 163: Alternative Hunting Licenses

Sen. Bill Holtzclaw

Establishes an alternative annual resident hunting license, at a cost of one-half of the cost of an annual resident all-game hunting license plus the applicable issuance fee, for U.S. military veterans who are residents of the state and are certified by the U.S. Veterans' Administration as 50 percent or more physically disabled.

This legislation also provides for an alternative three-day trip event hunting license, for events sanctioned by the Commissioner of Conservation and Natural Resources. This alternative license would allow up to 10 U.S. military veterans, resident or nonresident, who are certified by the U.S. Veterans' Administration as 50 percent or more physically disabled, to collectively hunt on a single three-day trip license at the cost of a nonresident all-game three-day hunting license plus the applicable issuance fee.

Reorganization and Coordination

HB 77: State Board of Landscape Architects

Rep. Laura Hall

Continues the State Board of Landscape Architects until October 1, 2017.

HB 78: State Board of Licensure for Professional Geologists

Rep. Laura Hall

Continues the State Board of Licensure for Professional Geologists until October 1, 2017.

SB 231: Gulf State Park Project Committee

Sen. Trip Pittman

Establishes the Gulf State Park Project Committee (Committee), which will be chaired by the Governor and include the Lieutenant Governor, Speaker of the House, President Pro Tempore of the Senate, State Finance Director, Secretary of Commerce, Commissioner of the Department of Conservation and Natural Resources, and Chairman of the Joint Legislative Committee on State Parks or their designees. The Committee is charged with overseeing improvements at Gulf State Park, including a lodge and meeting facility to attract more visitors.

Solid Waste

HB 249: Alabama Move Over Act Amendments

Rep. Mac McCutcheon

Requires vehicles to yield the right-of-way and slow down or move over for garbage, trash, refuse, or recycling collection vehicles. When a garbage, trash, refuse, or recycling collection vehicle is actively collecting garbage, trash, refuse, or recycling materials on the roadside, the driver of every other vehicle, as soon as it is safe, must do the following:



- When driving on an interstate highway or other highway with two or more lanes traveling in the direction of the law enforcement vehicle, emergency vehicle, wrecker, or utility service vehicle or garbage, trash, refuse, or recycling collection vehicle, the driver must vacate the lane closest to garbage, trash, refuse, or recycling collection vehicle, unless otherwise directed by a law enforcement officer. If it is not safe to move over, the driver shall slow to a speed that is at least 15 miles per hour less than the posted speed limit, unless otherwise directed by a law enforcement officer; or
- When driving on a two-lane road, the driver must move as far away from the garbage, trash, refuse, or recycling collection vehicle as possible within his or her lane and slow to a speed that is 15 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater or travel at 10 miles per hour when the posted speed limit is 20 miles per hour or less, unless otherwise directed by a law enforcement officer.

HB 633: Wilcox County Solid Waste Fees

Rep. David Colston

Provides that in Wilcox County, the tax assessor, tax collector, and judge of probate will assist the Wilcox County Commission upon request in the collection of county solid waste fees by including the amount owed for the solid waste fees in the bills for the collection of ad valorem taxes and the renewal notices for motor vehicle license plates and by the collection of the solid waste fees in conjunction with the payment of ad valorem taxes or the renewal of motor vehicle license plates. The Wilcox County Commission, by agreement, may authorize the tax assessor, tax collector, and the judge of probate to retain or receive a portion of any solid waste fees collected as an administrative fee to cover the costs of collection. Any net fees collected by the tax collector or the judge of probate shall be forwarded to the Wilcox County Commission as determined by agreement of the parties.





ARKANSAS

Energy Legislation

Alternative Energy Development

HB 1274: Golf Carts

Rep. Prissy Hickerson

Authorizes cities and towns to regulate by ordinance the operation of golf carts on certain city streets and removes the restriction on cities and towns to limit golf cart usage between residences and golf courses.

HB 2019: Limited Net Metering Credit Rollover

Rep. David Branscum

Allows an amount of net excess generation credit up to four months average usage during the annual billing cycle that is closing to be credited to a net-metering customer's account for use during the next annual billing cycle.

SB 125: Incentives for Conversion of Motor Vehicles

Sen. Bobby Pierce

Amends the Arkansas Alternative Fuels Development Program to provide rebate incentives for the differential costs and conversion costs related to converting diesel-powered motor vehicles and gasoline-powered motor vehicles to motor vehicles powered by compressed natural gas or propane gas. The bill declares an emergency and is effective on and after July 1, 2013.

SB 941: Qualified Drop-in Biofuels Manufacturers Incentives

Sen. Bill Samples

Creates an income tax exemption for qualified drop-in biofuels manufacturers for up to 20 years, if the qualified drop-in biofuels manufacturers invest at least \$20,000,000 in a new or expanded facility in the state and create at least 100 new jobs. The incentives are effective for tax years beginning on and after January 1, 2013.

Coal and Minerals

HB 1766: Collection of Delinquent Taxes on Mineral Rights

Rep. Lane Jean

Provides additional measures to collect delinquent property taxes, penalties, and interest on mineral rights by allowing a county collector to initiate proceedings using a certified statement or account to collect delinquent property taxes, penalties, and interest on mineral rights from a person who possesses funds that are derived from the property and that are owed to the delinquent taxpayer. The legislation also provides that the certified statement or account operates as a levy on the person served, releases the person making the payment from liability to the taxpayer, and provides for an additional



10 percent penalty, half of which shall be paid to the person making the payment under the Act. The Act is effective for assessment years beginning on and after January 1, 2013.

SB 817: Annual Reappraisal of Mineral Interests

Sen. Bruce Maloch

Requires that producing mineral interests be reappraised annually for ad valorem tax purposes. The Act is effective on and after January 1, 2014.

Energy Efficiency

HB 1386: Opt Out of Utility Energy Conservation Programs and Measures

Rep. Terry Rice

Allows certain large nonresidential business consumers to opt out of utility-sponsored energy conservation programs and measures and direct their own energy conservation programs and measures. The Act prohibits a public utility company from billing a nonresidential business consumer that opts out for the rates and charges approved by the Arkansas Public Service Commission (PSC) for the utility-sponsored energy conservation programs and measures. The bill declares an emergency and is effective on and after July 1, 2013.

SB 340: Guaranteed Energy Cost Savings Contracts

Sen. David Johnson

Amends the Guaranteed Energy Cost Savings Act by revising the qualifications for a qualified provider, providing guidelines for state agencies' evaluation of solicitations for guaranteed energy cost savings contracts, providing for administration of the Act by the Arkansas Energy Office (AEO), and allowing state agencies to use maintenance and operations appropriations for debt service related to guaranteed energy cost savings contracts.

SB 640: Property Assessed Energy Improvement Districts

Sen. David Johnson

Authorizes governmental entities to establish property assessed energy improvement districts to manage property assessed clean energy (PACE) programs under which real property owners can finance energy efficiency improvements, renewable energy projects, and water conservation improvements on real property. The legislation regulates the establishment of the districts, the membership and powers of the board of directors of the districts, the reporting requirements for collecting assessments, guidelines for the PACE programs, and the districts' authority to issue bonds.

SB 824: Amendment 89 Enabling Legislation

Sen. David Johnson

Provides the enabling legislation for Amendment 89 to the Arkansas Constitution relating to energy efficiency bonds authorized by state entities; provides for the authorization and issuance of bonds for energy efficiency projects; allows the Arkansas Development Finance Authority to issue bonds at the request of a state entity for energy efficiency projects; and regulates energy efficiency project bonds.



Natural Gas and Petroleum

HB 1281: Tax Exemption for Certain Machinery and Equipment

Rep. Matthew Shepherd

Amends the sales and use tax exemption for certain machinery and equipment to include machinery and equipment required by state or federal law or regulations to be used in the refining of petroleum-based products to remove sulfur pollutants from a refined product and any related repair parts and labor. The legislation is effective on and after October 1, 2013.

HB 1397: Petroleum Storage Tank Trust Fund Act

Rep. Greg Leding

Amends the Petroleum Storage Tank Trust Fund Act, clarifies the law regarding the payment of consultants for the purchase of equipment needed to undertake corrective action, and provides that the initial party responsible for a release retains all liability for third-party damage claims, even if another party assumes responsibility or payments for the same release by agreement or other means.

HB 1582: Natural Gas Pipeline Safety

Rep. Jonathan Barnett

Increases the penalties for violating the Arkansas Natural Gas Pipeline Safety Act of 1971 and clarifies the state law criminal offenses and penalties for pipeline safety infractions.

HB 1742: Fees by the Oil and Gas Commission

Rep. Kelley Linck

Authorizes the Oil and Gas Commission to charge certain fees, including an application fee for carrying or pulling a transportation tank; a permit fee to construct or operate a jurisdictional pipeline system; and a hearing application fee for each person whose address is provided by an applicant for a hearing and whom the applicant has identified in the application or requested to receive a copy of the order from the hearing.

HB 1922: Petroleum Pipelines in Public Water Supply Watersheds

Rep. John Edwards

Encourages owners and operators of petroleum pipelines that cross a water course that empties into a public surface water supply to install cut-off valves, provide training to critical staff, and create a detailed risk mitigation and response plan for each petroleum pipeline in the watershed of a public surface water supply.

HB 2001: Enhanced Notice Required for Shale Operations

Rep. Greg Leding

Requires that enhanced notice of shale operations be given to surface owners before shale operations begin on the surface owner's property.



HB 2198: Payment of Oil and Gas Proceeds

Rep. Jeremy Gillam

Amends the time frame and method of payment of the proceeds from the sale of an oil and gas production.

SB 792: Incentives for Clean-burning Motor Fuel Development

Sen. Larry Teague

Provides rebates for approved compressed natural gas, liquefied natural gas, and liquefied petroleum gas refueling stations and for each qualified clean-burning motor vehicle fuel property. The Arkansas Energy Office is required to administer the rebates provided for in the bill.

SB 970: Penalty for Improper Disposal of Substances at a Well

Sen. Bruce Maloch

Provides that a person who transports a liquid or other substance and violates a rule, regulation, or order of the Oil and Gas Commission by dumping or disposing of the liquid or other substance improperly or without authorization at a well or well site is subject to a penalty not to exceed \$100,000 for each violation.

SB 1146: Compressed Natural Gas School Bus Pilot Program

Sen. Jim Hendren

Creates the Compressed Natural Gas School Bus Pilot Program to run during the 2014 and 2015 fiscal years. The legislation provides that any school district may apply, and one will be chosen from each of the four congressional school districts to receive from the Division of Public School Academic Facilities and Transportation 10 compressed natural gas school buses. The Act also increases the amount that a school district may borrow from the Revolving Loan Fund to \$1,500,000 for participating school districts.

Reorganization and Coordination**HB 1401: Liquefied Petroleum Gas Board Meetings**

Rep. Butch Wilkins

Provides that the Liquefied Petroleum Gas Board may meet one time each calendar quarter.

HB 1717: Repeal of Obsolete Laws

Rep. Darrin Williams

Repeals obsolete provisions in Title 23, including the subsequent appropriation Acts for the Public Service Commission that superseded the maximum salary established for Commissioners; appeals to the Supreme Court that have been superseded by the Arkansas Rules of Appellate Procedure and the Arkansas Rules for Inferior Courts; the investigatory powers of the Securities Commissioner as Supervisor of Savings and Loan Associations; the duplicate regulation of Title 23, Chapter 38, which is regulated under Arkansas Code Title 23, Chapter 37; and the references to Arkansas Code Title 23, Chapter 38.



HB 1887: Weatherization Assistance Program

Rep. Eddie Armstrong

Provides for a Type 3 transfer of the Weatherization Assistance Program from the Division of County Operations of the Department of Human Services to the Arkansas Energy Office of the Arkansas Economic Development Commission. The bill declares an emergency and is effective on and after July 1, 2013.

Utilities

SB 271: Certificates of Public Convenience and Necessity

Sen. Johnny Key

Exempts from the requirement of a Certificate of Public Convenience and Necessity from the Public Service Commission for certain general and transmission cooperatives providing for the extension of a public service.

SB 298: Sales and Use Tax Exemption on Utilities used for Grain Drying and Storage

Sen. Jonathon Dismang

Exempts electricity, liquefied petroleum gas, and natural gas utilities used by grain drying and storage facilities from the sales and use tax electric. The act is effective on and after July 1, 2014.

SB 791: Reduced Rate for Manufacturers

Sen. Bill Sample

Reduces the sales and use tax on natural gas and electricity used by manufacturers to 1 percent in July 2014 and zero percent in July 2015 and amends the definition of “manufacturer” to include cotton gins. The legislation is effective on and after July 1, 2014.

SB 795: Regulation of Electric Demand Response Act

Sen. Jason Rapert

Enacts the Regulation of Electric Demand Response Act to allow the Arkansas Public Service Commission or a local authority to regulate and, if in the best interest of the public, authorize the marketing, selling, or marketing and selling of demand response. Demand response is a reduction in the consumption of on-peak or off-peak electric energy by a retail customer served by an electric public utility or a municipally owned electric utility or consolidated municipal utility improvement district relative to the retail customer’s expected consumption. A retail customer may respond to changes in the price of electric energy over time or incentive payments designed to induce lower consumption of electric energy. The Act also defines “demand response” to include any demand response resources capable of providing demand response.

SB 820: Amendment 82 Steel Mill Project

Sen. David Burnett

Declares a steel mill to be a large economic development project that qualifies as an Amendment 82 project; authorizes the issuance of general obligation bonds under Amendment 82 to the Arkansas Constitution to assist in the development of the steel



mill project; approves and authorizes the execution of an Amendment 82 agreement; exempts from the sales and use tax sales of natural gas and electricity to qualified manufacturers of steel under Amendment 82; and extends the carry-forward period for the income tax credit for the purchase of waste reduction, reuse, or recycling equipment by qualified manufacturers of steel under Amendment 82. The legislation declares an emergency and is effective on and after April 11, 2013.





ARKANSAS

Environmental Legislation

Air Quality and Pollution Control

SB 796: State Implementation Plans

Sen. Ronald Caldwell

Clarifies the responsibilities of the Arkansas Department of Environmental Quality (DEQ) and the Arkansas Pollution Control and Ecology Commission (PCEC) with respect to the adoption of state implementation plans and outlines the requirements for the development and implementation of state implementation plans, including National Ambient Air Quality Standards. The Act declares an emergency and is effective on and after April 18, 2013.

Environmental Health Services

HB 1355: Lead-based Paint

Rep. Butch Wilkins

Aligns state penalties related to violations of lead-based paint rules with federal law.

HB 1413: Immunity Relating to Certain Livestock Activities

Rep. James Ratliff

Provides immunity for livestock owners, livestock activity sponsors, livestock facilities, and livestock auction markets with respect to certain livestock activities and requires livestock activity sponsors to post and maintain warning signs regarding the immunity.

HB 1536: Raw Milk

Rep. Randy Alexander

Allows the sale of nonpasteurized milk at the place where the milk is produced.

SB 13: Responsibility for Expenses

Sen. Gary Stubblefield

Provides that an owner of an animal seized by law enforcement is responsible only for reasonable expenses incurred while the animal was in custody.

SB 410: Asbestos Abatement Grant Program

Sen. Bruce Maloch

Creates the Asbestos Abatement Grant Program, which allows the Arkansas Department of Environmental Quality to award grants to eligible cities and counties for certain activities relating to asbestos abatement, stabilization, and remediation. The DEQ may administer up to \$150,000 in grant funds per year.



SB 840: Carbon Monoxide Detectors

Sen. David Johnson

Repeals the requirement that low-voltage carbon monoxide detectors be placed in newly constructed homes.

SB 1016: Custody of Seized Animals

Sen. Gary Stubblefield

Amends the law regarding the appropriate place of custody for an animal seized by law enforcement. This bill prohibits out of state transfer of animals seized by law enforcement in a criminal investigation. The act also provides that an animal may be returned to an out-of-state owner if the prosecuting attorney has decided against filing charges against the owner.

Inland Water Resource Management and Conservation

HB 1025: Levee Districts

Rep. Mark McElroy

Creates an alternative system of assessments for levee districts that include more than two counties and take action to adopt the alternative system. The Act provides a system of appeals for a person aggrieved by an assessment.

HB 1300: Public Water System Security

Rep. Charlie Collins

Provides a permanent exemption from disclosure under the Freedom of Information Act for public water system security.

HB 1688: Sewer Utility Collection Act

Rep. Andy Davis

Enacts the Sewer Utility Collection Act to assist a sewer utility that does not control its customers' water service by providing a mechanism to collect unpaid sewer utility service fees from customers and by requiring cooperation from the entity that provides water service to the sewer utility's customers.

HB 1771: Municipal Sewage Systems

Rep. Dan Douglas

Extends the maximum sewage collection contract period for a municipality that contracts with other political subdivisions from 15 to 30 years.

HB 1850: Waterworks Commissions

Rep. Mark Perry

Authorizes an increase in the number of commissioners and modifies the terms of a waterworks commission in a city of the first or second class.

HB 1921: Arkansas Port, Intermodal, and Waterway Development Grant

Rep. John Edwards

Provides for the creation of the Arkansas Port, Intermodal, and Waterway Development Grant under the Arkansas Waterways Commission to provide assistance to port and



intermodal authorities in funding port development projects. The bill is effective on and after January 1, 2014.

HB 2088: Priority in Allocation of Water

Rep. Jeremy Gillam

Removes minimum streamflow from the reserved uses of water before allocation and provides for the priority of uses in allocating water. The bill establishes agriculture as the first priority for water in a stream experiencing water shortage after human consumption.

SB 487: Electronic Proof of Boater Education

Sen. Jake Files

Provides that an electronic copy of a boater education certificate is sufficient for presentment and that presentment in an electronic format does not authorize a search of the electronic device or expand or restrict the authority of law enforcement to conduct a search.

SB 670: Small Water Systems

Sen. Bobby Pierce

Exempts small water systems and small sewage systems from regulation by the Public Service Commission.

SB 1070: Delinquent Levies

Sen. Stephanie Flowers

Provides another method for levee and drainage improvement districts to collect delinquent levies.

SB 1091: Arkansas Port, Intermodal, and Waterway Development Grant Program

Sen. Jake Files

Creates the Arkansas Port, Intermodal, and Waterway Development Grant Program Fund and requires that the ad valorem taxes and penalties collected from water transportation companies in excess of \$2,500,000 be deposited into the Fund to be used by the Arkansas Waterways Commission exclusively for the Arkansas Port, Intermodal, and Waterway Development Grant Program.

Land Management and Conservation

HB 1039: Sales and Use Tax Exemption for Certain Horticulture Equipment

Rep. Jeff Wardlaw

Creates an exemption from the sales and use tax, beginning January 1, 2014, for utilities used by qualifying agricultural structures, including a commercial poultry or livestock facility, a cattle and dairy facility, and a commercial greenhouse, and qualifying aquaculture and horticulture equipment, including commercial cooling, collection, and irrigation equipment, pumping and aeration equipment, and a holding and sorting tank.



HB 1391: Primate Registration and Regulation

Rep. Warwick Sabin

Prohibits, except at qualified facilities, the importation, possession, sale, and breeding of nonhuman primates other than apes, macaques, and baboons; requires registration of all primates; and creates penalties for the mistreatment of primates.

HB 1459: Electronic Copy of Hunter's Education Certificate

Rep. Micah Neal

Provides that an electronic copy of a hunter education certificate is sufficient for presentment and that presentment in an electronic format does not authorize a search of the electronic device or expand or restrict the authority of law enforcement to conduct a search.

HB 1478: Capture, Release, and Transport of Feral Hogs

Rep. Walls McCrary

Prohibits the transportation and release of feral hogs while increasing the penalties for violating these laws. The law allows one limited exception for tagged hogs transported to "terminal facilities," such as fenced hunting ranches. The bill creates a fine of at least \$1,000 per feral hog for animals released into the wild or being transported. It also requires individuals to have a valid hunting license to hunt feral hogs. The Livestock and Poultry Commission will establish the tags and rules for the canned hunting facility exemption. That exemption will only apply to operations in place prior to August 16, 2013.

HB 1653: Islands and Submerged Lands

Rep. Andrea Lea

Regulates the ownership, administration, and regulation of islands, submerged lands, and property located on islands and submerged lands within the state and clarifies the duties of the Commissioner of State Lands concerning the islands, submerged lands, and property located on the islands and submerged lands.

HB 1787: Game and Fish Commission Interstate Authority

Rep. David Kizzia

Provides that the State Game and Fish Commission may enter into interstate compacts and represent the state in matters pertaining to cooperation with other states and the federal government for wildlife conservation, management, and regulation purposes.

HB 2196: Corrective Action for Underground Storage Tanks

Rep. Greg Leding

Amends provisions concerning investigation, site assessment, and corrective action relating to storage tanks by the Arkansas Department of Environmental Quality. The DEQ must minimize to the most reasonable extent practicable interference with the use and enjoyment of property, taking into consideration any private and commercial interests, and the release site property owner's or adjacent property owner's need for access. This legislation prohibits release site property owners from impeding or interfering with site access to investigate or remediate a release from an underground storage tank.



SB 5: Forest Fire Protection Tax

Sen. Bill Sampson

Increases the forest fire protection tax to \$0.20 per acre. The Act is effective for assessment years beginning on and after January 1, 2013.

SB 299: Sales and Use Tax Exemption for Timber Harvesting Machinery and Equipment

Sen. Larry Teague

Increases the partial sales and use tax exemption for timber harvesting machinery, equipment, and related attachments to create a full exemption from the sales and use tax. The Act is effective on and after July 1, 2014.

SB 357: Implied Consent for Chemical Tests

Sen. Jake Files

Provides that a person involved in a hunting accident resulting in death or serious bodily injury gives implied consent to an additional, mandatory, saliva chemical test or tests.

SB 830: Lifetime Hunting and Fishing Licenses for Disabled Veterans

Sen. Alan Clark

Authorizes the Game and Fish Commission to issue lifetime hunting and lifetime fishing licenses for eligible state disabled veterans and provides for a fee of \$1.50 for each license.

SB 902: Removal of Transmittal Devices

Sen. Alan Clark

Creates the offense of removal of an animal's transmittal device, which is designated a Class C misdemeanor. The Act applies only to dogs used in hunting or raptors used in falconry, and the bill includes provisions for restitution.

SB 906: Fence Removal

Sen. Bobby Pierce

Clarifies the definition of "fence" as it is used in agriculture and amends the offense of criminal trespass to include removal of a posted sign or fence. The measure makes the removal of a posted sign, a fence, or a portion of a fence a Class B misdemeanor of criminal trespass.

Reorganization and Coordination**HB 1732: Repeal of Obsolete Laws**

Rep. Darrin Williams

Repeals obsolete provisions in Title 8, including provisions concerning the implementation of recommendations by the nonexistent Mercury Task Force, outdated requirements for solid waste management plans, and outdated requirements for the development and implementation of a statewide solid waste management plan.



HB 2024: Membership of State Plant Board

Rep. James Ratliff

Amends the membership of the State Plant Board by adding a representative of the livestock industry and a representative of the forage industry.

SB 845: International Agricultural Exchanges

Sen. Johnny Key

Requires the Arkansas Agriculture Department to evaluate the potential economic benefits to Arkansas and Arkansas farmers of entering into agricultural exchanges with Israel and other countries that will foster the development of trade, mutual assistance, and business relations between Arkansas and the other country. The bill requires the Department to report its findings to the House Committee on Agriculture, Forestry, and Economic Development and the Senate Committee on Agriculture, Forestry, and Economic Development.

Solid Waste

HB 1215: Solid Waste Management and Recycling Fund

Rep. Bruce Westerman

Reduces the maximum amount of money in the Solid Waste Management and Recycling Fund that the Department of Environmental Quality may use for administrative purposes to 20 percent and eliminates the grant program under the Solid Waste Management and Recycling Fund Act. The legislation provides for the distribution of money in the Solid Waste Management and Recycling Fund to each approved regional solid waste management district based on a set formula.

HB 1245: Regional Districts

Rep. Kim Hammer

Provides that appointed board members of regional solid waste management districts serve at the pleasure of the appointing body for a minimum term of one year.

HB 1975: Scrap Metal Dealers

Rep. Darrin Williams

Enhances penalties for metal theft, prohibits sales of metal by those formerly convicted of metal theft, establishes a crime when buyers purchase metal that they know, or should know, is stolen, creates more stringent reporting requirements for scrap metal dealers, and requires a license for scrap metal dealers.

SB 385: Single-County Solid Waste Management Districts

Sen. David Burnett

Provides that an approved single-county regional solid waste management district does not cease to be a valid district if the population of the single county composing the district is determined to be less than 50,000 according to a decennial census occurring after the approval of the single-county district.



SB 598: Single-County Districts Population Requirements

Sen. Bryan King

Allows for the creation of a new single-county regional solid waste management district if the county has a population of at least 25,000 and is served by a county sanitation authority.

Water Quality and Pollution Control

HB 1197: Financial Assurance for Nonmunicipal Domestic Sewage Treatment Works

Rep. Andy Davis

Clarifies the financial assurance requirements for a commercial nonmunicipal domestic sewage treatment works that does not include residential services and establishes additional financial assurance requirements for nonmunicipal domestic sewage treatment works. This legislation creates the Water Performance Bond Fund, which allows the Department of Environmental Quality to hire a third-party contractor to take remedial action or maintain and operate a nonmunicipal sewage treatment works.

HB 1687: Appeals Procedure

Rep. David Bransum

Streamlines the process for the review of certain determinations of the Department of Environmental Quality and the Arkansas Pollution Control and Ecology Commission and amends the appeal provisions of the Arkansas Water and Pollution Control Act. This measure provides for a direct appeal of a determination by the PCEC to the Court of Appeals.

HB 1797: Municipal Sewage Systems

Rep. Bruce Cozart

Allows a municipal board of health to order or compel the building of a sewer by a property owner for a distance greater than three hundred feet (300) from the point where the sewer exits a building on the owner's property through or into a street or alley to a place where a connection can be made with a sewer only if the existing sewer on the owner's property is the subject of an enforcement action by the Department of Environmental Quality or a prosecuting attorney.

HB 1922: Petroleum Pipelines in Public Water Supply Watersheds

Rep. John Edwards

Encourages owners and operators of petroleum pipelines that cross a water course that empties into a public surface water supply to install cut-off valves, provide training to critical staff, and create a detailed risk mitigation and response plan for each petroleum pipeline in the watershed of a public surface water supply.

HB 1929: Promulgation of Water Quality Standards

Rep. Andy Davis

Requires the Arkansas Pollution Control and Ecology Commission to follow certain procedures and consider certain criteria in promulgating water quality standards for minerals.



HB 2252: Concentrated Animal Feeding Operations Permit

Rep. Greg Leding

Creates a committee to adopt policies instituting the appropriate method for public notice of the intent to apply for a permit for Concentrated Animal Feeding Operations.





FLORIDA

Energy Legislation

Alternative Energy Development

HB 633: Biodiesel Manufacturing Reporting Requirements

Rep. Keith Perry

Creates an exemption from the reporting, bonding, and licensing requirements prescribed for biodiesel manufacturers, if biodiesel fuel is manufactured for the sole use of the municipality, county, or school district. The bill also requires municipalities, counties, and school districts that manufacture biodiesel fuel to account for the biodiesel manufactured on their local government user return and remit the appropriate taxes to the Department of Revenue.

HB 4001: Florida Renewable Fuel Standard Act Repeal

Rep. Matt Gaetz

Repeals the entire Florida Renewable Fuel Standard Act from the statutes, thereby removing the requirement that all gasoline sold or offered for sale in Florida by a terminal supplier, importer, blender, or wholesaler must be blended gasoline (mixture of 90 to 91 percent gasoline and 9 to 10 percent fuel ethanol or other alternative fuel, by volume). The measure also removes the requirement that each terminal supplier, importer, blender, or wholesaler include, in their monthly report to the Department of Revenue, the number of gallons of blended and unblended gasoline sold.

SB 62: Golf Cart Conversions

Sen. Alan Hays

Authorizes the administrative conversion of a low-speed vehicle to a golf cart. As part of its conversion to a golf cart, the low-speed vehicle's top-end speed of 25 miles per hour (mph) must be lowered to a maximum speed of 20 mph. The Florida Department of Highway Safety and Motor Vehicles (DHSMV) must verify the conversion and the owner of the converted vehicle must provide an affidavit to DHSMV that the vehicle has been modified to comply with the speed restrictions and safety requirements for a golf cart. Additionally, the legislation requires that the reduction in the top-end speed be noted on a decal affixed to the rear of the newly converted golf cart. The DHSMV must note the conversion in the vehicle's record and cancel the vehicle's certificate of title and registration. After the conversion, the golf cart may be operated in the same manner as other golf carts: on county roads and municipal streets and on sidewalks only when authorized by the local government in that jurisdiction.



Energy Efficiency

HB 269: Building Construction

Rep. Halsey Beshears

Provides the following statutory changes relating to building construction in the state:

- Revises noticing requirements of alleged violators of local codes and ordinances;
- Requires county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions to specify the use of lumber, timber, and other forest products produced and manufactured in Florida if wood is a component of the project, with certain exceptions;
- Clarifies that when a state agency is required to select a sustainable building rating system or national model green building code, the selection is made on a project-by-project basis;
- Adds that an existing-system inspection or evaluation and assessment of onsite sewage treatment and disposal systems is not required for a residential remodeling addition or modification to a single-family home if a bedroom is not added;
- Provides that certain residential construction may not impact sewage treatment or disposal systems or encroach on septic areas as determined by a local health department floor and site plan review and clarifies that a verification of the location of a system is not an inspection or evaluation and assessment of the system;
- Increases the maximum civil penalty a local governing body may levy against an unlicensed construction contractor or electrical and alarm system contractors from \$500 to \$2,000;
- Revises local government and Department of Business and Professional Regulation (DBPR) collection retention percentages for unpaid fines and costs ordered by the Construction Industry Licensing Board;
- Removes a requirement that local governments send minor violation notices of noncompliance to contractors prior to seeking fines and other disciplinary penalties;
- Prohibits adopting mandatory sprinkler provisions of the International Residential Code within the Florida Building Code or any local amendments to the state code;
- Adds to the Florida Building Commission a representative of a natural gas distribution system;
- Specifies that residential heating and cooling systems need only meet the manufacturer's approval and listing of equipment;
- Changes the purpose of the Florida Building Energy-Efficiency Rating Act from rating system development to energy rating system oversight;
- Removes the requirement that a building energy-efficiency rating system provide a uniform rating scale of the efficiency of buildings and expands the list of entities that may provide building energy-efficiency rating systems; and



- Eliminates the DBPR's responsibilities regarding a statewide uniform building energy-efficiency rating system and provides building energy-efficiency system definitions.

HB 277: Assessed Values of Real Property with Renewable Energy Sources

Rep. Michelle Rehwinkel Vasilinda

Provides for partial implementation of the 2008 state constitutional amendment, which prohibited the consideration of the installation of a renewable energy source device in the determination of the assessed value of real property used for residential purposes. The measure provides that a property appraiser may not consider the increase in the just value attributed to the installation of a renewable energy source device when determining the assessed value of new and existing residential real property. Specifically, the provision applies to installations made on or after January 1, 2013, and applies to assessments beginning January 1, 2014.

SB 1594: Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act

Sen. Rob Bradley

Expands the list of entities that are authorized to utilize the provisions of the Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act to include a county school district or an institution of higher education, including all state universities, colleges, and technical colleges. SB 1594 clarifies that in a guaranteed energy, water, and wastewater performance savings contract between an energy savings contractor and an agency, the contract may provide for repayment to the lender of the installation construction loan through installment payments. The measure provides that a facility alteration that includes expenditures that are required to properly implement other energy conservation measures may be included as part of the performance contract. In these instances, the installation of those measures may be supervised by the performance savings contractor. The Department of Financial Services must complete its review and approval of the guaranteed energy, water, and wastewater performance savings contract within 10 business days of receiving it from a state agency. The bill adds to requirements that a contract must include an investment-grade audit, certified by the Department of Management Services, which states that the cost savings are appropriate and sufficient for the term of the contract.

Natural Gas and Petroleum

HB 423: Sales Tax on Dyed Diesel

Rep. Janet Adkins

Provides an exemption from the sales and use tax on dyed diesel fuel that is used for commercial fishing and aquacultural purposes. Dyed diesel fuel is used in equipment for construction and agriculture that is not intended for use on roads and highways. The fuel is dyed red so the U.S. Department of Transportation can easily tell the difference to ensure that vehicles on the highway are not using the dyed fuel. Dyed diesel is exempt from sales tax if used for certain purposes, such as in equipment used for construction and agriculture.



HB 579: Taxes for Natural Gas Used as Vehicle Fuel

Rep. Lake Ray

Repeals the annual decal fee program for motor vehicles powered by alternative fuels effective January 1, 2014, and establishes a fuel tax structure for natural gas used as a motor fuel similar to that for diesel fuel beginning January 1, 2019, thereby exempting natural gas fuel from fuel taxes for five years. The measure also exempts natural gas fuel from state sales and use taxes and expands the definition of “energy efficiency improvement” to include “installation of systems for natural gas fuel” under uses authorized by the Local Government Infrastructure Surtax. The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to complete and submit a report regarding natural gas fuel used to power motor vehicles to the President of the Senate and the Speaker of the House by December 1, 2017.

The legislation provides \$6 million per year for five years from General Revenue to fund rebates for eligible costs of converting certain vehicles to natural gas-powered vehicles. The rebate program is to be administered by the Department of Agriculture and Consumer Services (DACS). By October 1st, the DACS is required to provide an annual assessment of the use of the rebate program to the Governor, the President of the Senate, the Speaker of the House, and OPPAGA. By January 31, 2016, OPPAGA is to provide a report reviewing the rebate program to the Governor, the President of the Senate, and the Speaker of the House.

HB 1083: Underground Natural Gas Storage

Rep. Dane Eagle

Declares that underground storage of natural gas is in the public interest and establishes a regulatory structure by providing the following:

- Exempts gas-phase hydrocarbons that are transported into Florida, injected into an underground natural gas storage facility, and later recovered as liquid hydrocarbons from the severance tax on oil production and provides that the severance tax on natural gas applies only to native gas;
- Provides the Department of Environmental Protection (DEP) with authority to adopt rules, administer and enforce laws, and issue orders regarding the storage, injection, and recovery of gas from a natural gas storage reservoir, and specifies that the DEP must promulgate rules before issuing a permit for a natural gas storage facility;
- Declares that the DEP is vested with the power and authority to issue permits for natural gas storage facilities, charge a permit application fee, and create standards and conditions for the issuance of such permits;
- Requires that permits from the DEP prior to storing gas in, or recovering gas from, natural gas storage include the name and address of the applicant and specifies what must be included in an application for a permit to store gas in a natural gas storage reservoir;
- Provides for the protection of water supplies;
- Provides that a facility operator is responsible for pollution to water supplies;
- Provides for the protection of natural gas storage facilities and storage rights with respect to injected gas;



- Specifies that certain well spacing requirements do not apply to wells associated with a natural gas storage facility;
- Specifies that limitations on the amount of oil and gas taken do not apply to nonnative gas recovered from a permitted natural gas storage facility;
- Specifies that penalties may be applied to any person who violates the law or the provisions of a permit for a natural gas storage facility;
- Specifies that the prohibition of pollution and the cost of clean-up provisions apply to natural gas storage facilities; and
- Specifies that projects for natural gas storage facilities and projects to construct interstate natural gas pipelines subject to certification by the Federal Energy Regulatory Commission (FERC) are eligible for expedited permitting.

HB 1085: Public Records Exemptions for Natural Gas Storage Facility Permits

Rep. Dane Eagle

Creates a public records exemption for proprietary business information that an applicant for a natural gas storage facility permit provides to the Department of Environmental Protection. It provides a definition of “proprietary business information.” The legislation authorizes the release of the confidential and exempt proprietary business information in certain circumstances.

Utilities

HB 649: Public Records Exemptions for Electric Utilities

Rep. W. Travis Cummings

Creates a new public record exemption for certain proprietary confidential business information held by an electric utility. Specifically, the bill creates a new public record exemption for proprietary confidential business information held by an electric utility, in conjunction with a due diligence review of an electric project or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources. The legislation provides that such information is confidential and is exempt from certain Florida Constitutional requirements. Further, the bill requires that such information be retained for one year after the due diligence review has been completed and the electric utility has decided whether or not to participate in the project. The measure provides that the public record exemption created by the bill is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the legislature.

HB 649 also provides a statement of public necessity for the exemption. The statement provides that:

- The purpose for the public record exemption is to remove an impediment to the opportunities for electric utilities to find cost-effective or strategic solutions for providing electric service or improving the delivery, cost, or diversification of fuel or renewable energy;



- An electric utility, in performing a due diligence review of such projects, may need to obtain proprietary confidential business information, which may consist of trade secrets; internal auditing controls and reports; security measures, systems, or procedures; or other information relating to competitive interests; and
- The disclosure of this information could injure the provider of the information in the marketplace, thus discouraging the provider from doing business with the electric utility and limiting the utility's opportunities to identify cost-effective projects, which may also impact costs to customers.

HB 973: Low-Voltage Systems

Rep. Jason Brodeur

Expands and modifies an electrical and alarm system contracting exemption related to telecommunications and cable or video companies performance of low-voltage electrical work. The bill adds an exemption from electrical and alarm system regulation and licensing for specific sales personnel associated with businesses, such as, telecommunications and cable or video companies and exempts personnel who do not work on end-user premises and do not have access to passwords or codes to arm or disarm systems.

The measure creates a statewide, streamlined low-voltage alarm system installation permitting process. If a local building permit is required by a local building department to be obtained by an alarm system contractor for a low-voltage alarm system project within the jurisdiction of the county, the contractor must obtain a permit label for the project from the local building department. To obtain a permit label, the contractor must submit identification, proof of licensure as a contractor, and pay a fee of \$55 for each permit label that is obtained. However, local enforcement agencies that charged more than a \$55 fee to issue an alarm permit on January 1, 2013, may charge a maximum of \$175 for each alarm permit label until January 1, 2015.

The contractor is required to post the label in a conspicuous location at the job site. The legislation allows a contractor to begin work on a particular project without notifying the local building department of the commencement of the project. Upon completion of the project, the measure requires the contractor to submit a notice of completion of the project within 14 days of completion. The legislation provides that if a particular project does not pass the inspection of local authorities, the contractor must take corrective action as necessary to pass inspection.

SB 338: Theft of Utility Services

Rep. Wilton Simpson

Applies the criminal penalties in the general theft statute (s. 812.014, F.S.) to the utility theft offenses in s. 812.14, F.S. The criminal penalties under the general theft statute (s. 812.014, F.S.) are primarily based upon the dollar value of the stolen property. For example:

- If the stolen property is valued at \$100,000 or more, the offense is a first degree felony;



- If the stolen property is valued between \$20,000 and \$100,000, the offense is a second degree felony;
- If the stolen property is valued between \$300 and \$20,000, the offense is a third degree felony;
- If the stolen property is valued between \$100 and \$300, the offense is a first degree misdemeanor; and
- If the stolen property is under \$100, the offense is a second degree misdemeanor.

The bill also increases the threshold amount available in a civil action from \$1,000 to \$3,000.

SB 1472: Nuclear and Integrated Gasification Combined Cycle Power Plants

Sen. John Legg

Lowers the rate at which carrying costs are currently calculated and establishes new review processes for the Public Service Commission (PSC) to use in evaluating and approving continued development and cost recovery for nuclear and Integrated Gasification Combined Cycle (IGCC) power plants.

This legislation provides that carrying costs on the construction of a new plant must be calculated based on the utility's PSC-approved Allowance for Funds Used During Construction (AFUDC) rate. The PSC-approved rate fluctuates as a utility's financing costs change. The PSC-approved AFUDC rates for Florida Power & Light Company and Progress Energy Florida are lower than the rates specified by statute for these plants. Assuming that the current PSC-approved rates remain constant through plant development and construction, total project costs will be reduced by \$710 million for Florida Power & Light and by \$870 million for Progress Energy Florida. Actual savings will vary as the PSC-approved rates change.

Second, the bill requires the PSC to determine, prior to both the pre-construction and construction phases of a new plant, whether the plant remains feasible and the projected costs for the plant are reasonable. The legislation provides a standard by which the PSC must determine whether the utility intends to construct the power plant. If construction does not commence within 10 years of obtaining a federal license (for a nuclear power plant) or state certification (for an IGCC power plant), the utility must demonstrate its continued intent to construct the plant. If construction does not commence within 20 years of obtaining a license or certification, the utility may not recover costs for the plant during pre-construction.







FLORIDA

Environmental Legislation

Coastal Zone Management

HB 7007: Gulf Coast Restoration from Deep Water Horizon Oil Spill

Rep. Carlos Trujillo

Creates Triumph Gulf Coast, Inc., a nonprofit corporation administratively housed within the Department of Economic Opportunity (DEO), to administer and invest 75 percent of all funds recovered by the Attorney General for economic damages to the state resulting from the Deepwater Horizon oil spill. This legislation establishes a Board of Directors to be appointed by the State Board of Administration, the Speaker of the House of Representatives, and the President of the Senate. The Board of Directors will direct the funds through awards related to projects and programs in Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, or Wakulla County. Awards may be used to improve emergency preparedness or to provide partial funding for policies, projects, programs, and organizations which enhance workforce skills or encourage economic development. The measure requires Triumph Gulf Coast, Inc., to monitor and evaluate projects and programs that receive funding through the nonprofit corporation. Also, this legislation requires local governments to report the use of oil spill funds, including any funds provided through the Restore Act, in their annual financial audits. The bill directs the Auditor General to conduct operational audits of Triumph Gulf Coast, Inc. every two years.

SB 444: Domestic Wastewater Discharged Through Ocean Outfalls

Sen. Miguel Diaz de la Portilla

Specifies that each utility that had a permit for a domestic wastewater facility that discharged through an ocean outfall on July 1, 2008, must install, or cause to be installed, a functioning reuse system within the utility's service area or, by contract with another utility, within Miami-Dade, Broward, or Palm Beach counties by December 31, 2025. For utilities operating more than one outfall, the reuse requirement may be apportioned between the facilities, including flows diverted to other facilities for 100 percent reuse before December 31, 2025. Utilities that shared a common ocean outfall for the discharge of domestic wastewater on July 1, 2008, regardless of which utility operates the ocean outfall, are individually responsible for meeting the reuse requirement and may enter into binding agreements to share or transfer such responsibility among the utilities.

Also, the legislation specifies that a backup discharge can occur as the result of peak flows from other wastewater management systems. Peak flow backup discharges from other wastewater management systems cannot cumulatively exceed 5 percent of a facility's baseline flow, measured as a five-year rolling average, and are subject to applicable secondary waste treatment and water quality-based effluent limitations



specified in Department of Environmental Protection rules. If peak flow backup discharges are in compliance with the effluent limitations, the discharges are deemed to meet the advanced wastewater treatment and management requirements. In addition, the measure expands what is required to be in the detailed plan to meet the outfalls and reuse requirements that facilities authorized to discharge domestic wastewater must submit under current law to include:

- The identification of the technical, environmental, and economic feasibility of various reuse options; and
- The level of treatment necessary to satisfy state water quality requirements and local water quality considerations and a cost comparison of reuse using flows from ocean outfalls and flows from other domestic wastewater sources.

The plan must also evaluate reuse demand in the context of future regional water supply demands, the availability of traditional water supplies, the need for development of alternative water supplies, the degree to which various reuse options offset potable water supplies, and other factors considered in the Lower East Coast Regional Water Supply Plan of the South Florida Water Management District.

Emergency Management and Homeland Security

HB 7019: National Flood Insurance Program

Rep. Carlos Trujillo

Requires counties and municipalities to attach disclaimers to development permits that include a condition that all other applicable state or federal permits must be obtained before the commencement of any development. These changes will ensure Florida is fully compliant with the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Administration. House Bill 503 (2012 Regular Session) contained provisions that, if implemented, would impede the state's ability to enforce required components of NFIP's floodplain management regulations and jeopardize Florida's voluntary participation in NFIP. The legislation seeks to bring state law into compliance with the federal requirements of NFIP.

Environmental Health Services

HB 851: Animal Cruelty

Rep. Jared Moskowitz

Clarifies that aggravated animal cruelty can result from a person's failure to act. The measure specifies that a person who commits multiple acts of animal cruelty or aggravated animal cruelty against one animal may be charged with a separate offense for each act. Similarly, the legislation provides that a person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal such cruelty was committed upon.

The bill permits specified counties that have enacted local animal cruelty ordinances to use the proceeds from the surcharges imposed on violations of ordinances for animal shelter operating expenses.



The legislation makes it a second degree misdemeanor for a person to dye or artificially color animals under 12 weeks of age, or fowl or rabbits of any age; bring such animals into the state; or sell, offer for sale, or give away as merchandising premiums baby chickens, ducklings, or other fowl under four weeks of age or rabbits under two months of age to be used as pets, toys, or retail premiums.

SB 286: Lawsuits against Design Professionals

Sen. Joe Negron

Reinstates the economic loss rule for design professionals, providing that a business entity purchasing design services may, by contract, agree that only the design professional company, and not its individual employees, is liable for negligence under the contract. Design professionals are engineers, surveyors and mappers, architects, interior designers, and landscape architects. The legislation provides requirements for such contracts, and provides that the limitation does not apply to negligence resulting in injury to a person or to property that was not in the contract.

Prior law provided that disputes concerning construction defects arising out of the work of design professionals, other than geologists, are subject to a statutory presuit alternative dispute resolution process. The measure adds geologists to the list of design professionals subject to the statutory presuit alternative dispute resolution process.

SB 674: Animal Shelters and Animal Control Agencies

Sen. Bill Monford

Provides that each public or private animal shelter, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision must prepare and maintain the following records for the preceding three years and make them available for public inspection and dissemination. Beginning July 31, 2013, the following records must also be made available on a monthly basis:

- The total number of dogs and cats taken in by the animal shelter, divided into species in the following categories: surrendered by owner, stray, impounded, confiscated, transferred from within the state, transferred or imported into the state, and born in the shelter. Species other than dogs and cats must be recorded as “other;” and
- The disposition of all animals taken in by the public or private animal shelter, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision divided into species, in the following categories: adopted, reclaimed by owner, died in kennel, euthanized at the owner’s request, transferred to another animal shelter, euthanized, released as part of a “trap, neuter and release” program, lost in care/missing animals or records, and ending inventory at the end of the last day of the month.

Under this legislation public or private animal shelter, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision that routinely euthanizes dogs based on size or breed



alone must provide a written statement of such policy. Dogs euthanized due to breed, temperament, or size must be recorded and included in the calculation of the total euthanasia percentage. The records of the public or private animal shelter, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision must be made available to the public for a fee of up to \$0.15 per one-sided copy and no more than an additional \$.05 for each two-sided copy.

SB 1122: Florida Fire Prevention Code

Sen. Wilton Simpson

Makes two changes to the statutes governing the application of the Florida Fire Prevention Code. First, the measure provides that for structures of less than three stories and 10,000 square feet, a fire official shall enforce the less stringent wall fire-rating provisions found in the building code whenever a mercantile use (for the display and sale of merchandise) adjoins a business use (for the transaction of business other than mercantile). Second, the bill exempts from the Florida Fire Prevention Code structures in which the occupancy is limited to no more than 35 persons, which are part of a “farming or ranching operation,” and which are situated on property classified as agricultural for property tax purposes. The measure provides that such structures may not be used by the public for direct sales or as an educational outreach facility. Moreover, under no circumstances may the structures be used for either residential or assembly occupancies.

Inland Water Resource Management and Conservation

HB 333: Fish and Wildlife Conservation Commission

Rep. Greg Steube

Revises certain statutes and programs pertaining to the Fish and Wildlife Conservation Commission (FWCC):

- Adjusts recreational hunting and fishing license residency requirements by eliminating the six-month residency requirement to obtain a resident recreational hunting or fishing license, and adjusts the saltwater commercial fishing license residency regulation by eliminating the six-month county residency requirement. Commercial fishermen must still reside in Florida for one year before applying for a saltwater commercial fishing license. In addition, the bill specifies that a “resident of Florida,” for the purposes of obtaining a recreational hunting or fishing license, is any person who has declared Florida as his or her only state of residence, as evidenced by a valid Florida driver license or identification card with both a Florida address and residency verified by the Department of Highway Safety and Motor Vehicles, or in the absence of such Florida driver license or identification card, by one of four specified documents;
- Authorizes the FWCC to issue a permit exempting certain persons from the requirement to possess a hunting or fishing license for an outdoor recreational event that is primarily for the purpose of rehabilitation or enjoyment of veterans certified to have a service-connected disability rating of zero percent or higher, active or reserve duty service members of any branch of the Armed Forces, Coast



Guard, military reserves, Florida National Guard, or Coast Guard Reserve. A permit issued under the statute exempts such veterans, service members, their immediate family members, and one additional person designated to assist each veteran certified to be a disabled veteran from having to possess a hunting, freshwater fishing, or saltwater fishing license for the duration of the permitted event;

- Authorizes the FWCC to increase the total number of license-free recreational saltwater and freshwater fishing days from two to four annually;
- Provides assistance to certain veterans who wish to become commercial fishers by waiving the restricted species endorsement income requirement for one year; and
- Deletes the requirement that in 2013 and every five years thereafter, vessel registration and recreational hunting and fishing license fees must be adjusted by the percentage change in the Consumer Price Index for All Urban Consumers since the fees were last adjusted.

SB 364: Consumptive Use Permits for Development of Alternative Water Supplies

Sen. Wilton Simpson

Establishes a new type of consumptive use permit (CUP) for the development of alternative water supplies (Extended Permit). Extended Permits approved by the state after July 1, 2013, for the development of alternative water supplies must have a term of at least 30 years if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit. Any public or private entity that wishes to develop an alternative water supply may be eligible to receive an Extended Permit regardless of the manner in which the water project will be financed.

If, within seven years after an Extended Permit is granted, the permittee issues bonds to finance the project, completes construction of the project, and requests an extension of the permit duration, the permit must be extended to expire upon the retirement of such bonds or 30 years after the date construction of the project is complete, whichever occurs later. However, a permit's duration may not be extended more than seven years after the permit's original expiration date regardless of whether any bonds issued to finance the project will be outstanding at the end of the seven years.

Under this legislation, Extended Permits will be subject to periodic compliance reviews; however, if the permittee demonstrates that bonds issued to finance the project are outstanding, a water management district (WMD) may not reduce the quantity of alternative water allocated by an Extended Permit unless a reduction is needed to address harm to the water resources or to existing legal uses present when the permit was issued. Thus, during a compliance review, if bonds to finance the project are outstanding, a WMD may not reduce the amount of water allocated by the permit if the permittee does not demonstrate a need for the allocated water due to lower than expected population growth or demand. However, reductions in water allocations required by an applicable water shortage order will apply to Extended Permits.



This measure delineates Extended Permits may not authorize the use of non-brackish groundwater supplies or non-alternative water supplies.

SB 948: Water Supply Cooperation

Sen. Denise Grimsely

Adds utility companies, private landowners, water consumers, and the Department of Agriculture and Consumer Services to the list of entities that should cooperate in order to meet water needs. The bill also adds “self-suppliers” to the list of entities that the governing boards of the water management districts must assist in meeting water supply needs and to the list of entities governing boards can join for the purpose of carrying out its duties and entering into contracts to finance acquisitions, construction, operation, and maintenance, provided that such contracts are consistent with the public interest.

The legislation includes DACS in the list of entities the governing boards of the WMDs must coordinate and cooperate with when conducting water supply planning for water supply planning regions. The bill provides that agricultural demand projections used for determining the needs of agricultural self-suppliers must be based upon the best available data. When determining the best available data for agricultural self-supplied water needs, the WMD must consider the data indicative of future water supply demands provided by DACS and agricultural demand projection data and analysis submitted by a local government pursuant to the public workshop if the data and analysis support the local government’s comprehensive plan. Any adjustment of or deviation from the data provided by DACS must be fully described, and the original data must be presented along with the adjusted data.

SB 948 directs DACS to establish an agricultural water supply planning program that includes the development of data indicative of future agricultural water supply demands, which must be based on at least a 20-year planning period. In developing the data of future agricultural water supply needs, DACS must consult with the agricultural industry, the University of Florida’s Institute of Food and Agricultural Sciences, Department of Environmental Protection, the WMDs, the National Agricultural Statistics Service, and the U.S. Geological Survey. Lastly, DACS must coordinate with each WMD to establish a schedule for providing the data on agricultural water supply needs.

SB 1066: Agritourism

Sen. Alan Hays

Amends current law to provide that a local government may not adopt an ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural lands under the Greenbelt law. The legislation also provides that “agritourism activity” does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public.

In addition, the bill provides that an agritourism operator or owner of land on which agritourism occurs is not liable for injury, death, damage, or loss to a participant resulting from the inherent risks of agritourism activities if a specific notice of risk is



posted. However, the liability of an agritourism operator is not limited if he or she commits an act or omission that constitutes gross negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death to the participant, or intentionally injures the participant.

Land Management and Conservation

HB 203: Agricultural Lands and Practices Act Prohibitions

Rep. Halsey Beshears

Expands the prohibitions in the Agricultural Lands and Practices Act, which in part, prohibits counties from adopting or enforcing any duplicative policy that limits activity of a bona fide farm or farm operation on agricultural land if such activity is already regulated through best management practices; interim measures, or regulations adopted as rules under ch. 120, F.S., by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or the U.S. Department of Agriculture (USDA), U.S. Army Corps of Engineers (ACE), or the U.S. Environmental Protection Agency (EPA) to include not just counties, but any “governmental entities.” This legislation expands the prohibitions to all local and regional governmental entities except water management districts, water control districts, or special districts created for water management purposes. The bill also prohibits any governmental entity from charging a fee on a specific agricultural activity of a bona fide farm operation on land classified as agricultural if the agricultural activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under ch. 120, F.S., by DEP, DACS, or WMD as part of a statewide or regional program; or if such agricultural activity is expressly regulated by the USDA, ACE, or EPA.

The measure also limits the exemption from the Florida Building Code and other county or municipal codes or fees for nonresidential farm buildings, farm fences, or farm signs to apply only to those located on lands used for bona fide agricultural purposes.

HB 357: Department of Economic Opportunity Model Ordinances

Rep. Jim Boyd

Directs the Department of Economic Opportunity (DEO) to create a model ordinance for local governments to use as a guide to establish local manufacturing development programs which grant master development approval for manufacturers. For manufacturers participating in a local manufacturing development program, the measure creates an expedited state development and permit approval process which the DEO is directed to coordinate with the cooperation of any involved state agencies. The legislation’s permitting and development approval provisions do not apply to permit applications governed by federally delegated or approved permitting programs to the extent that the legislation imposes timeframes or other requirements which conflict with federal law. The bill directs the DEO to develop materials that identify each local government with a local manufacturing development program and for those materials to be distributed by Enterprise Florida, Inc. to prospective, new, expanding, and relocating businesses.



HB 975: Unauthorized Archaeological Activity

Rep. Larry Metz

Expands the area where unauthorized archaeological activity is prohibited to include land owned by water authorities and authorizes the Division of Historical Resources (DHR) of the Department of State to issue permits for archaeological research at these locations. Florida law prohibits persons from conducting archaeological field investigations on, or removing or attempting to remove, deface, destroy, or otherwise alter any archaeological site or specimen located upon any land owned or controlled by the state or within the boundaries of a designated state archaeological landmark or landmark zone, except under the authority of a permit granted by the DHR. Persons engaging in these activities without an approved permit can face criminal penalties, administrative fines, and the forfeiture of any collected materials.

SB 244: Water Management Districts

Sen. Charlie Dean

Provides that the annual minimum flows and levels (MFL) priority list and schedule submitted to the Department of Environmental Protection by the water management districts also identify any reservations proposed by the WMDs to be established and those listed water bodies that have the potential to be affected by withdrawals in an adjacent WMD for which the DEP's adoption of a reservation or a MFL may be appropriate.

The provisions state that a WMD must provide the DEP with technical information and staff support for the development of a reservation, MFL, or recovery or prevention strategy to be adopted by rule by the DEP. A WMD must apply any reservation, minimum flow or level, or recovery or prevention strategy adopted by the DEP by rule without the WMD's adoption by rule of such reservation, MFL, or recovery or prevention strategy.

In addition, the bill provides that if the geographic areas of a resource management activity, study, or project crosses WMD boundaries, the affected WMDs are authorized to designate a single affected district by interagency agreement to conduct all or part of the applicable resource management responsibilities. If funding assistance is provided to a resource management activity, study, or project, the WMD providing the funding must ensure that some of or all the benefits accrue to the funding WMD. This provision does not impair any interagency agreement in effect on July 1, 2013.

The measure creates s. 373.171(5), F.S., exempting cooperative funding programs instituted by the several WMD governing boards from the rulemaking requirements of ch. 120, F.S. However, any portion of an approved program that affects the substantial interests of a party would be subject to the hearing procedures established under s. 120.569, F.S. Lastly, the legislation requires all WMDs, not just the Southwest Florida Water Management District, to develop jointly with the regional water supply authority the water supply development component of a regional water supply plan, when the plan deals with or affects public utilities and public water supply for those areas served by a regional water supply authority.



SB 326: Powers and Duties of the Department of Environmental Protection

Sen. Alan Hays

Repeals the specific Cross Florida Greenway (CFG) surplus and exchange procedures, which will allow the Department of Environmental Protection's Office of Greenways and Trails to follow current DEP Division of State Lands procedures for the surplus and exchange of conservation lands.

SB 682: Fossil Fuel Combustion Products

Sen. Wilton Simpson

Creates a regulatory program in statute for the "beneficial use" of Fossil Fuel Combustion Products (FFCPs). The legislation defines "beneficial use" as the use of FFCPs in building products and as a substitute for raw materials, necessary ingredients, or additives in other products according to accepted industry practices. The bill provides definitions for "FFCPs," "fossil fuel-fired electric or steam generation facilities," "pavement aggregate," and "structural fill."

The measure specifies that the storage of FFCPs destined for beneficial use must comply with applicable Department of Environmental Quality rules and be conducted in a manner that does not pose a significant risk to public health or violate applicable air or water quality standards. The bill also provides that the beneficial use of FFCPs is exempt from regulation under part IV of chapter 403, F.S., but DEP may take appropriate action if the beneficial use is demonstrated to be causing violations of applicable air or water quality standards or criteria in DEP rules, or if the beneficial use poses a significant risk to public health. The legislation does not limit any other requirements applicable to the beneficial use of FFCPs established under chapters 403 or 376, F.S., or under local or federal laws, including requirements governing air pollution control permits, National Pollutant Discharge Elimination System Permits (NPDES), and water quality certifications pursuant to section 401 of the Clean Water Act.

SB 682 provides that nothing is to be construed to limit DEP's authority to approve the beneficial use of materials other than FFCPs as defined above. The provisions in the legislation are not to be construed to limit or otherwise modify any FFCP beneficial use previously approved by DEP, use in the onsite construction of surface impoundments, roads or similar works at fossil fuel-fired electric or steam generation facilities, or the recovery of these products for beneficial use from FFCP landfills, impoundments, or storage areas.

Reorganization and Coordination

HB 7087: Duties and Powers of the Department of Agriculture and Consumer Services

Rep. Hasley Beshears

Addresses various issues relating to the powers and duties of the Department of Agriculture and Consumer Services. The legislation:



- Authorizes the Florida Forest Service (FFS) to delegate the open burning of land clearing debris to a local government or special district through authority delegated to the FFS by the Department of Environmental Protection;
- Specifies that certain occurrences do not constitute proof of inadequate wildfire prevention measures;
- Specifies that if a certified prescribed burn is contained within the authorized burn area then a strong rebuttable presumption exists that adequate wildfire prevention measures were taken;
- Specifies that the FFS is not liable for burns for which it issues authorizations or burns it conducts on state-owned land;
- Expands Operation Outdoor Freedom (OOF) activity locations to include designated public and private lands.
- Changes the public hearing requirement for developing land management plans to specify that at least one public hearing must be held in one affected county instead of each affected county;
- Grants the DACS rulemaking authority to distribute up to 80 percent of state matching funds to local mosquito control programs having a budget of less than \$1 million when the amount of matching funds appropriated by the legislature is insufficient to grant each local program state funds on a dollar-for-dollar matching basis;
- Codifies the organization and duties of the Division of Food, Nutrition, and Wellness in the DACS's authorizing statute (ch. 570) and establishes a separate chapter (ch. 595) in statute for the Division. The Division is responsible for the school lunch program that was transferred from the state Department of Education to the DACS;
- Moves the nutrient standards and thresholds for fertilizer sold in the state from statute to rule;
- Authorizes the Department and the Fish and Wildlife Commission to develop and implement best management practices for protecting freshwater aquatic and wild animal life on agricultural lands within the state; and
- Transfers the management of the Babcock Ranch Preserve (preserve) from Babcock Ranch, Inc. to the Department in cooperation with the FWCC; establishes an advisory group to provide guidance and assistance to the Department and FWCC in the management of the preserve; and authorizes FWCC to establish and implement public hunting and other fish and wildlife management activities.

SB 1700: Program Repeal

Sen. Jack Latvala

Repeals s. 604.006, F.S., which provides for the Department of Economic Opportunity to develop a program for mapping and monitoring Florida's agricultural lands. This section of law was adopted in 1984 and was never implemented by the Department or its predecessor agency, the Department of Community Affairs.



Water Quality and Pollution Control

HB 375: Onsite Sewage Treatment and Disposal Systems

Rep. Kenneth Roberson

Provides that an onsite sewage treatment and disposal system (OSTDS) in Monroe County that has been tested and certified to reduce nitrogen by at least 70 percent is deemed to be in compliance with certain effluent levels. The bill also provides that the OSTDSs in Monroe County, which are in areas not scheduled to be served by a central sewer, the OSTDS must comply with Department of Health (DOH) rules and provide the level of treatment that meets certain effluent limitations by December 31, 2015. These systems do not have to cease discharge by December 31, 2015. In addition, the legislation provides that in areas scheduled to be served by a central sewer by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewer system, the property owner may install a holding tank with a high water alarm or an OSTDS meeting certain standards. The bill provides that OSTDS in unincorporated Monroe County, excluding special wastewater districts, installed after July 1, 2010, that comply with established effluent limitations, are not required to connect to a central sewer system until December 31, 2020.

HB 375 deletes the requirement that the technical review advisory panel assist the DOH in the development of performance criteria applicable to engineer-designed performance-based OSTDS (engineer-designed OSTDS). The bill also deletes the requirement for maintenance entities to obtain a system operating permit from the DOH for each anaerobic treatment unit (ATU) under service contract. The legislation provides that engineer-designed OSTDS and ATU inspection reports can be submitted electronically to the DOH. The bill also provides that a property owner of an owner-occupied single-family residence may be approved and permitted by the DOH as a maintenance entity for his or her own engineer-designed OSTDS or their own ATU system upon written certification from the manufacturer's representative that they have received training on the proper installation and service of the system. In addition, the measure provides that maintenance entity service agreements for engineer-designed OSTDS and ATUs must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements. The bill requires property owners to obtain biennial system operating permits for each engineer-designed OSTDS instead of the maintenance entity.

The bill also requires property owners to obtain biennial operating permits for each ATU. The bill provides that a licensed septic tank contractor cannot be denied access by the manufacturer to ATU system training or spare parts for maintenance entities. After the original warranty period, component parts for ATUs can be replaced with parts that meet the manufacturer's specifications but are manufactured by others. Lastly, the bill provides that the owner of an ATU system must obtain a system operating permit from the DOH.



HB 713: Water Quality Credit Trading

Rep. Cary Pigman

Expands statewide the water quality credit trading program currently occurring only in the Lower St. Johns River Basin as a pilot project. The legislation also specifies that the Department of Environmental Protection may authorize water quality credit trading in adopted basin management action plans. Participation in water quality credit trading is entirely voluntary. Entities that participate in water quality credit trades must timely report to the DEP the prices for credits, how the prices were determined, and any state funding received for the facilities or activities that generated the credits. The DEP cannot participate in the establishment of credit prices. The bill also allows water quality credit trading to not only occur in basin management action plans, but to also occur in pollution control programs under local, state, or federal authority. The bill deletes the obsolete provision directing the DEP to submit a report to the legislature on the status of the trading no later than 24 months after the adoption of the basin action management plans for the Lower St. Johns River Basin.

HB 999: Environmental Regulation and Permitting

Rep. Jimmy Patronis

Provides numerous provisions relating to environmental regulation and permitting, such as:

- Limiting to three the number of times a local government may request additional information when reviewing an application for a development permit, unless the applicant waives the limit;
- Expanding the activities that qualify as “phosphate-related expenses” for the purpose of receiving severance tax proceeds;
- Providing lease fee calculation for certain marinas, boatyards, and marine retailers and providing conditions for the discount and waiver of these fees;
- Providing general permits for local governments to construct certain mooring fields;
- Increasing the size of certain multi-family docks on sovereign submerged lands that are exempt from paying lease fees;
- Prohibiting water management districts from reducing allocations due to additional water supplies resulting from developing of desalination plants;
- Providing that the issuance of well permits is the sole responsibility of WMDs, delegated local governments, or local county health departments and prohibiting government entities from imposing certain requirements and fees;
- Providing that licensure of water-well contractors by a WMD must be the only water-well contractor license required in the state or any political subdivision;
- Exempting certain farm ponds and wetlands from regulatory requirements;
- Increasing the amount the Department of Environmental Protection is authorized to enter into a contract for preapproved advanced cleanup work for designated contaminated sites in each fiscal year;
- Allowing a person to bring a cause of action for damages resulting from a discharge or certain pollution if not authorized pursuant to chapter 403, F.S.;
- Extending the payment deadline of permit fees for major sources of air pollution;



- Specifying that field procedures and lab methods for certain water quality testing must be adopted by rule or approved by order;
- Prohibiting a local government from using a recovered materials dealer's registration information to compete unfairly with the dealer for a period of 90 days after it is submitted;
- Authorizing DEP to establish permits for special events relating to boat shows;
- Authorizing expedited permitting for natural gas pipelines and for summary hearings; and
- Ratifying certain leases on state-owned uplands in the Everglades Agricultural Area (EAA).

HB 7019: Sewage Treatment and Disposal in Monroe County

Rep. Carlos Trujillo

Provides that onsite sewage treatment and disposal systems installed after July 1, 2010, in the unincorporated parts of Monroe County, excluding special wastewater districts, are not required to connect to a central sewer system until December 31, 2020. The legislation also extends certain permits issued by the Department of Environmental Protection or by a water management district for three years.

HB 7065: Everglades Improvement and Management

Rep. Matt Caldwell

Amends the Everglades Forever Act to:

- Provide a legislative finding that implementation of best management practices funded by the owners and users of land in the Everglades Agricultural Area effectively reduces nutrients in waters flowing into the Everglades Protection Area;
- Update the definition of the “Long-Term Plan” to include the South Florida Water Management District’s (SFWMD’s) “Restoration Strategies Regional Water Quality Plan” dated April 27, 2012, in addition to the SFWMD’s “Everglades Protection Area Tributary Basin Conceptual Plan for Achieving Long-Term Water Quality Goals Final Report” dated March 2003;
- Authorize the continued use of up to 0.1 mill of the SFWMD’s ad valorem revenues within the Okeechobee Basin to implement the Long-Term Plan and delete obsolete references to the “interim phase” of the Long-Term Plan;
- Require the SFWMD, after the completion of all projects and improvements in the Long-Term Plan, to complete a use attainability analysis to determine if those projects and improvements will achieve the water quality-based effluent limits established in permits and orders authorizing the operation of those facilities;
- Require payment of: a \$25 per acre agricultural privilege tax on property classified as agricultural within the EAA between November 2014 and November 2026; \$20 per acre for tax notices mailed in November 2027 through 2029; \$15 per acre for tax notices mailed in November 2030 through 2035; and \$10 per acre for tax notices mailed in November 2036 and thereafter. Thus, the tax rate will fall to \$10 per acre beginning in 2036 rather than in 2017 as required by current law. Proceeds from the tax must be used for design, construction, and implementation of the Long-Term Plan, including operation and maintenance,



and research for the projects and strategies in the Long-Term Plan, including the enhancements and operation and maintenance of the Everglades Construction Project; and

- Provide that the legislature intends that payment of the agricultural privilege tax, in addition to payment of the cost of continuing implementation of best management plans, fulfills the obligations of owners and users of land under Article II, section 7(b) of the Florida Constitution.

Lastly, HB 7065 provides that beginning in the 2013-2014 fiscal year, and each year thereafter through the 2023-2024 fiscal year, the sum of \$12 million in recurring general revenue funds and \$20 million in recurring funds from the Water Management Lands Trust Fund is appropriated to the Department of Environmental Protection for the Restoration Strategies Regional Water Quality Plan.

HB 7157: Ratification of Total Maximum Daily Load Rules for Impaired Waters

Rep. David Santiago

Ratifies total maximum daily loads (TMDL) rules adopted by the Department of Environmental Protection for specific waterbodies and waterbody segments designated as impaired, together with a statewide TMDL for mercury. A TMDL is the maximum amount of a specified pollutant that may enter a particular waterbody without impairing the water quality standard adopted for that waterbody under the federal Clean Water Act. The adoption of TMDLs by DEP using a thorough scientific process maintains Florida's overall compliance with the Clean Water Act and precludes the U.S. Environmental Protection Agency from setting these necessary levels.

For each rulemaking proceeding the Statement of Estimated Regulatory Costs (SERC) prepared by DEP showed the economic impact of the subject TMDL rules would require their ratification by the legislature. If a SERC shows the subject rule(s) will likely have an adverse impact on economic growth or private sector business, or will increase regulatory costs, and the projected impacts of the rule(s) will exceed \$1 million in the aggregate in the first five years of implementation of the rule(s), the rule(s) cannot go into effect until submitted to and ratified by the legislature.

SB 934: Stormwater Management Permits

Sen. Tom Lee

Provides that the rules for a statewide environmental resource permit must provide for a conceptual permit for a municipality or county that creates a stormwater management master plan for urban infill and redevelopment areas or community redevelopment areas created under chapter 163, F.S. Upon approval by the Department of Environmental Protection or a water management district, the master plan must become part of the conceptual permit issued by DEP or the WMD. The rules must additionally provide for an associated general permit for the construction and operation of urban redevelopment projects that meet the criteria established in the conceptual permit. The following requirements must also be met:



- The conceptual permit and associated general permit must not conflict with the requirements of a federally approved National Pollutant Discharge Elimination System Permit program or with the implementation of TMDLs and basin management action plans;
- Before a conceptual permit is granted, the municipality or county must assert that stormwater discharges from the urban redevelopment area do not cause or contribute to violations of water quality standards, after making a demonstration of net improvement of the quality of the discharged water that existed as of the date the conceptual permit is approved;
- The conceptual permit may not expire for at least 20 years unless a shorter duration is requested and must include an option to renew;
- The conceptual permit must describe the rate and volume of stormwater discharges from the urban redevelopment area, including the maximum rate and volume of stormwater discharges as of the date the conceptual permit is approved; and
- The conceptual permit must contain provisions regarding the use of stormwater best management practices and must ensure that stormwater management systems constructed within the urban redevelopment area are maintained and operational.

SB 1806: Total Maximum Daily Load Rule Ratification

Environmental Preservation and Conservation Committee

Amends current law to exempt rules establishing total maximum daily loads from the legislative ratification requirement in the Florida Administrative Procedure Act (APA). The APA requires state agencies to assess whether a Statement of Estimate Regulatory Costs must be prepared in conjunction with the promulgation of an administrative rule, such as the establishment of a TMDL for an impaired waterbody. If the SERC analysis indicates the rule is likely to have a specific economic impact exceeding \$1 million aggregated in the first five years from implementation, then the rule must be ratified by the legislature before going into effect. The Department of Environmental Protection is granted the authority to establish TMDLs via the Florida Watershed Restoration Act of 1999.

SB 1808: Numeric Nutrient Criteria

Environmental Preservation and Conservation Committee

Directs the Department of Environmental Protection to establish numeric nutrient criteria for waterbodies in the state that were not covered under the rules approved by the U.S. Environmental Protection Agency. The legislation also grants DEP authority to implement its own nutrient standards for streams, springs, lakes, and estuaries consistent with a document submitted to EPA in support of the DEP's adopted nutrient standards and filed as a proposed rule under Florida's Administrative Procedure Act.

In addition, the bill specifies that once EPA removes federal numeric nutrient criteria and ceases future numeric nutrient criteria rulemaking in Florida, Rule 62-302.531(9), F.A.C., will be removed from the Florida Administrative Code. The measure also exempts from legislative ratification any certain criteria adopted by DEP during 2013.



Lastly, SB 1808 directs DEP to adopt numeric nutrient criteria for total nitrogen, total phosphorous, and chlorophyll for any remaining estuaries not already subject to DEP numeric nutrient criteria and to establish interpretations of the narrative nutrient criteria for non-estuarine, coastal waters by December 1, 2014. DEP must submit a report to the legislature and Governor conveying the status of establishing numeric nutrient criteria for unimpaired waters and for those estuaries and nonestuarine coastal waters without numeric nutrient criteria established by rule or final order as of the date of the report.





GEORGIA

Energy Legislation

Alternative Energy Development

SR 502: Wind Energy

Sen. Lester Jackson

Encourages local governments to recognize wind energy as an important source of clean energy and a significant job-creating industry. The resolution invites members of the wind energy industry to meet with Georgia public officials. It requests educational institutions and developers to utilize the local workforce to build the industry.

Energy Efficiency

SB 242: Financing By Downtown Development Authorities

Sen. Hunter Hill

Authorizes downtown development authorities to provide financing to property owners citywide for the purpose of installing or modifying improvements to their property in order to reduce energy or water consumption or to install an improvement to such property that produces energy from renewable resources.

Natural Gas and Petroleum

HB371: Motor Fuel Tax for Liquefied Natural Gas

Rep. Ben Harbin

Amends the existing law regarding the motor fuel excise tax regarding liquefied natural gas (LNG). LNG is defined as methane or natural gas in the form of a cryogenic or refrigerated liquid for use as a motor fuel. The gallon equivalent of compressed natural gas cannot be less than 110,000 British thermal units and the gallon equivalent of liquefied natural gas shall not be less than 6.06 pounds.

Utilities

HB 250: Local Energy Excise Tax

Rep. Tom Rice

Amends and provides new language regarding local excise taxes on the sale of energy that was authorized under HB 386: Tax Reform (2012). Dealers are required to collect the excise tax on the sale of energy. They will be allowed a percent of tax due in the following manner: 3 percent of the first \$3,000 and 0.5 percent of the remainder, but only if it is not delinquent. Distributions under intergovernmental agreements become effective in the quarter after 80 days of their respective executions. The same applies for local ordinances governing the excise tax.



SR 113: Restrictive Easements on State Owned Property

Sen. Bill Jackson

Authorizes the granting of restrictive easements to: Citizens Telephone Company; Wind Stream Standard LLC; Snapping Shoals Electric Membership Corporation; Flint Electric Membership Corporation; Habersham Electric Membership Corporation; Georgia Power; the Georgia Department of Transportation; the City of Marietta; the City of Gainesville; Augusta, Georgia; and Mark B. Shipp and J. Cliff Shipp. The easements granted are for access and egress over land owned by the State of Georgia, typically for a \$10 fee, and for a period of three years from July 1, 2013.





GEORGIA

Environmental Legislation

Air Quality and Pollution Control

SR 531: Congestion Mitigation and Air Quality Funding

Sen. Ross Tolleson

Encourages the Department of Transportation (DOT) in its efforts to maximize the use of Congestion Mitigation and Air Quality funding that is directed to be used to reduce diesel emissions.

Coastal Zone Management

HB 402: Shore Protection and Coastal Marshland Permits

Rep. Ron Stephens

Revises the Shore Protection Act and the Coastal Marshland Protection Act to allow the Department of Natural Resources (DNR) to issue letters of permission. These letters cannot authorize permission for longer than six months and do not permit new impacts. The bill also provides for reasonable fees and a 15-day notice period prior to the issuance of any letter.

Environmental Health Services

HB 126: Park Rangers

Rep. Mark Hamilton

Prohibits a person from knowingly or willfully obstructing or hindering any park ranger in the lawful discharge of his or her official duties.

Hazardous Waste and Substance Management

HB 276: Hazardous Waste Trust Fund

Rep. Chad Zimmer

Removes a provision in current law that requires certain appropriations to the Department of Natural Resources to be transferred annually to the Georgia Hazardous Waste Management Authority. The bill extends the sunset date for the collection of fees for the Hazardous Waste Trust Fund to July 1, 2018. The authorization was set to expire on July 1, 2013.



Inland Water Resource Management and Conservation

HB 36: Red Drum Fish

Rep. Ben Watson

Provides that the Red Drum fish is now considered a game fish.

HB 497: Georgia Boater Safety Act

Rep. Kevin Tanner

Provides for process regarding change in ownership of a boat or vessel. If ownership is changed, the new owner will file an application with the Department of Natural Resources and will be issued the same number as previously issued unless it has been reassigned. Past due applications will include an additional \$10.00 fee due to DNR.

HR 4: Settlement of Georgia-Tennessee Boundary Dispute

Rep. Harry Geisinger

Seeks to resolve the dispute with the State of Tennessee regarding the Georgia-Tennessee boundary. A flawed survey would be corrected by moving a portion of the current Georgia-Tennessee boundary. The resolution authorizes the Governor of Georgia to enter into negotiations with the State of Tennessee.

SB 136: Boating under the Influence

Sen. Butch Miller

Reduces the legal blood alcohol limit from 0.10 to 0.08 for hunting or boating while under the influence. It increases the penalties for boating while under the influence and requires certain persons to complete a boating education course prior to operation of a vessel.

SR 267: Noyes Cut Project

Sen. Bill Ligon

Urges the U.S. Army Corps of Engineers to implement the proposed project for plugging Noyes Cut within the Satilla River System.

Land Management and Conservation

HB 155: Use of Suppressors at Shooting Preserves

Rep. David Knight

Revises provisions concerning the licensing and operation of shooting preserves, the definition of “pen raised game birds” and changes the types of licenses and requirements for shooting preserves. “Pen raised game birds” means any bobwhite quail, chukar or red-legged partridge, coturnix or Japanese quail, ring-necked pheasant, mallard duck, or black duck which is raised in captivity and is more than two generations removed from the wild. The bill allows an authorized person to hunt game using a registered suppressor. It defines suppressors and establishes a three-year hunting suspension as the consequence for violating hunting restrictions.



HB 175: Covenants Running with the Land

Rep. Dustin Hightower

Provides that a covenant runs with the land when a property owner and a third party agree to a covenant, which does not run for more than 20 years; the covenant is exchanged for consideration; and the covenant is recorded in the chain of title with an adequate description. There is an exception for covenants that are recorded on property solely by the property's owner.

HB 197: Forest Land Protection

Rep. Jay Powell

Amends existing language governing conservation use covenants under the Georgia Forest Land Protection Act of 2008. This bill includes language regarding wood pulp use not violating the underlying covenant. Clarification is provided for exclusion of a residence by specifying underlying land and will apply for new covenants or renewals commencing January 1, 2014. Easements for ingress and egress will be allowed without breaching the covenant. Properties under the Forest Land Protection Act that fail to maintain qualifications can switch to a covenant for bona fide conservation use properties; these properties may change covenant qualification only once.

HB 207: Hunting Seasons

Rep. Jason Shaw

Allows DNR to regulate an additional weekend of open turkey season for children 16 and younger and all mobility impaired persons. Also, this bill authorizes the use of center-firearms of .17 caliber or larger for hunting foxes and bobcats.

HB 274: Falconry Permits

Rep. Jon Burns

Creates a new code section which regulates falconry permits. No falconry permit may be issued until the applicant's raptor housing facilities and equipment have been inspected and certified by DNR.

HB 338: Azaleas as the State Flower

Rep. Joe Wilkinson

Clarifies that native azaleas (*Rhododendron* sp.), collectively, are designated as the state wild flower.

HR 644: Timber Security Study Committee

Rep. Wendell Willard

Creates a House Timber Security Study Committee to study the unauthorized taking of wood and to establish penalties for those who take timber without authorization. The committee will be comprised of the Chairman of the House Judiciary Committee, five members appointed by the Speaker, with one member each of the local law enforcement community and the forestry community appointed by the Speaker.



SB 81: Ginseng Harvesting Season

Sen. John Wilkinson

Shortens the length of the legal ginseng-harvesting season by changing the start date from August 15 to September 1. The season will continue to end on December 31.

SB 145: Definition of “Agritourism” for Conservation Use Property

Sen. Bill Heath

Expands the definition of “agritourism” under the banner of Conservation Use Property to specifically allow farm weddings and equestrian events on Conservation Use Valuation Assessment Property, commonly referred to as CUVA property, which has been so designated for at least one year.

SB 156: Borrow Pits

Sen. Ross Tolleson

Amends current law defining a “borrow pit” as an excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location. This bill revises the definition to clarify that the term does not include excavated areas of fewer than five acres which are incidental to forestry land management and from which no earthen material is removed for sale.

SR 499: Free Hunting and Fishing Licenses for Veterans Study Committee

Sen. David Lucas

Creates the Senate Free Hunting and Fishing Licenses for Veterans Study Committee to be composed of five members of the Senate appointed by the President of the Senate. The President of the Senate will designate one of the appointees to serve as chairperson of the committee.

Reorganization and Coordination

HB 177: Oconee River Greenway Authority

Rep. Joe Wilkinson

Revises the composition of members of the Oconee River Greenway Authority (Authority). The Authority will consist of the Commissioner of Natural Resources or their designee, the director of the State Forestry Commission or their designee, the mayor of Milledgeville, the president of Georgia Military College, the chairperson of the governing authority of each county which is in the geographic jurisdiction of the Authority or their designee, and no more than four residents of each county which is in the geographic jurisdiction of the Authority, who have training or experience in biology, botany, or environmental science. The residents will be appointed by the chairperson of the governing authority of each county.

HB 189: Changes at Parks

Rep. Debbie Buckner

Requires the Department of Natural Resources to provide 60 days’ notice to the governing authority of each municipality and county in which there is any part of a state park, historic site, or recreational area in which a specific proposed change in services is



occurring. Also this bill authorizes a city to exchange property dedicated as a city park with an institution owning property in, or abutting, a federal National Historic Site.

HB 381: Nonprofits Created by the Department of Natural Resources

Rep. Matt Hatchett

Requires the board of directors of a nonprofit corporation created by the Department of Natural Resources to include three members of the Board of Natural Resources as non-voting members. The nonprofits are created to arrange for and accept federal aid and cooperation, organize volunteer services, and cooperate with government entities and civic organizations. It also restricts members of the Board from serving as voting members on the board of directors for such nonprofits and removes language prohibiting such members from serving as officers or directors.

Solid Waste

HB 226: Scrap Tires

Rep. Randy Nix

Requires the Environmental Protection Division (EPD) issued decals for used tire and scrap tire carriers. This bill clarifies certain scrap tire processing permit exemptions and revises the number of tires that may be stored by a person. This bill provides an exemption for farms with certain scrap tires in storage or in use for agricultural purposes.

HB 276: Solid Waste Trust Fund

Rep. Chad Nimmer

Extends the sunset date for the collection of fees for the Solid Waste Trust Fund to July 1, 2018. The authorization was set to expire on July 1, 2013. This legislation clarifies that certain solid waste disposal surcharges and fees are subject to revision. Further, the bill requires the Office of Planning and Budget to determine the base amount and the new appropriation amount to the Environmental Protection Division, along with the procedure for when the new appropriation amount is less than or more than the base amount as it relates to a reduction or increase of the solid waste disposal surcharge fee and the tire disposal fee.

HB 320: Landfill Permit Exemptions

Rep. Buddy Harden

Authorizes any inert waste landfill owned and operated by a local government or authority which, as of January 1, 2014, has been certified by a professional engineer as being in full compliance with all permit by rule requirements as they existed on January 1, 2012, to continue to operate under such permit by rule requirements. Also, this bill updates the corresponding date of the rules and regulations of the Board of Natural Resources for purposes of establishing criminal violations to be January 1, 2013.







KENTUCKY

Energy Legislation

Alternative Energy Development

HR 168: Biofuels Research

Rep. Tom Mckee

Requests that state universities conduct research and report on second generation biofuels including cellulosic ethanol and other advanced biofuels.

SB 46: Cost Recovery for Electricity Created by Biomass

Sen. Brandon Smith

Allows for full cost recovery by power plants for electricity purchased from an eligible biomass plant. Eligibility will be determined by the Kentucky State Board on Electric Generation and Transmission Siting. The Public Service Commission must approve cost recovery to be valid for the initial term of the power purchase agreement.

Coal and Minerals

HB 27: Coal Producing Counties Budget Shortfalls

Rep. Tommy Thompson

Permits coal producing counties with a projected shortfall in budgeted distributions from the Local Government Economic Assistance Fund in fiscal year 2013 of 25 percent or greater to petition the Department for Local Government for a reallocation of funds from the individual county account in the Local Government Economic Development Fund (LGFL) or from specific appropriations for identified projects in the county funded from the LGFL. This bill requires the Department for Local Government to report any approved reallocations to the State Budget Director and the Interim Joint Committee on Appropriations and Revenue.

HB 66: Reclamation Guaranty Fund

Rep. Steve Riggs

Establishes the Reclamation Guaranty Fund (RGF). The RGF will provide money, in addition to permit specific reclamation bonds, to ensure completion of necessary reclamation. By default, all permittees will be included in the RGF. However, permittees may choose to opt out of the RGF in exchange for providing full-cost reclamation bonds calculated in reference to federal Office of Surface Mining guidance. The RGF will be governed by the Reclamation Guaranty Fund Commission (Commission). The Commission will consist of seven commissioners appointed by the Governor and must contain representatives from: the coal industry (3 commissioners), surety/insurance business (2 commissioners), Kentucky Department of Natural Resources (DNR) (1 commissioner), and a Certified Public Accountant (1 commissioner). Day-to-day oversight of the RGF will be handled within DNR.



HB 181: Scholarships for Pharmacists Serving Coal Producing Counties

Rep. Carl Rollins, II

Limits the coal-producing county pharmacy student scholarship amount per year to 40 percent of the average of pharmacy school in-state tuition in the United States. The scholarships are funded from coal severance taxes.

HB 440: Coal Severance Taxes

Rep. Larry Clark

Amends provisions of the severance tax for coal with the deletion of the reference to the U.S. Internal Revenue Code when defining “gross value.” The federal statute does not consider processing to be gross income from mining unless performed by an owner or operator of a mine. This legislation nullifies the argument that processing performed by someone other than an owner or operator of a mine is not taxable because the amount of “gross income from mining” is zero, and thus, no severance tax would be due. This legislation clarifies that a Kentucky taxpayer possesses an economic interest in coal where the taxpayer has acquired by investment any interest in coal and secures, by any form of legal relationship, income derived from the severance or processing of coal, to which he must look for a return on his capital. A party who has no capital investment in the coal or who only receives an arm's length royalty will not be considered as having an economic interest.

Energy Efficiency

HR 69: Green Schools

Rep. Rita Smart

States a goal that by 2030, and within this generation of school-aged children, there will be at least one green school in each of the 120 counties in Kentucky.

Natural Gas and Petroleum

HB 126: Petroleum Tank Environmental Assurance Fund

Rep. Brent Yonts

Reauthorizes the Petroleum Tank Environmental Assurance Fund through July 15, 2016. This bill extends the period for gas tank removal and other contamination site cleanups.

HB 212: Compressed Natural Gas/Liquefied Natural Gas Vehicles

Rep. Keith Hall

Requires safety inspections for converted, retrofitted or repowered compressed natural gas (CNG) and liquefied natural gas (LNG) vehicles. The inspections must occur at time of conversion, every 3 years or 36,000 miles, and after accidents. Persons performing conversions must certify they have not tampered with the vehicle. This bill calls for regulations to identify vehicles that have been converted and ensure compliance with safety requirements. Also this bill amends state vehicle fleet purchase requirements, extending time to meet the 50 percent passenger cars and light truck goal for alternative fuel vehicles, hybrids, and lean-burn vehicles to a target date of January 1, 2014.



HB 440: Natural Gas Severance Taxes

Rep. Larry Clark

Amends provisions of the severance tax for natural gas with the deletion of the reference to the U.S. Internal Revenue Code when defining “gross value.” The federal statute does not consider processing to be gross income from mining unless performed by an owner or operator of a mine. This legislation nullifies the argument that processing performed by someone other than an owner or operator of a mine is not taxable because the amount of “gross income from mining” is zero, and thus, no severance tax would be due.

HR 122: Keystone XL Pipeline Resolution

Rep. Rocky Adkins

Urges President Obama and the administration to support oil production off the northern coast of Alaska and approve the TransCanada Keystone XL pipeline project.

SR 274: Keystone XL Pipeline Resolution

Sen. Dan “Malano” Seum

Urges Congress and the Secretary of State to support Canadian oil imports and approve the Keystone pipeline project.

Reorganization and Coordination

HB 269: Kentucky Environmental Education Council

Rep. Carl Rollins, II

Clarifies that the Kentucky Environmental Education Council will include the central office of the Kentucky Community and Technical College System in the coordination of postsecondary education environmental activities.

Utilities

HB 338: Municipal Gas Systems

Rep. Dennis Horlander

Grants any city that owns or operates a natural gas system the right to extend the system and sell natural gas within and outside city boundaries. Cities may install apparatuses for distribution outside city boundaries and acquire rights-of-way and condemn property. Any city, except a consolidated local government, may acquire existing natural gas plants, except the bill prohibits the condemnation of natural gas plants within the Commonwealth by cities in another state. This bill prohibits the extension and sale of natural gas into territories currently served by a natural gas utility and the extension and sale of natural gas when there is another gas utility closer in location.

HB 440: Taxes for Electric Power Companies

Rep. Larry Clark

Provides that electric power companies, including wind turbine and solar generating companies, will pay a tax on their operating property to the state, and to the extent the operating property is subject to local taxation, will pay a local tax to the county, incorporated city, and taxing district.







KENTUCKY

Environmental Legislation

Air Quality and Pollution Control

HB 440: Ad Valorem Tax Rate on Pollution Control Facilities

Rep. Larry Clark

Establishes that the owner or person assessed will pay an annual ad valorem tax for state purposes at the rate of \$0.15 upon each \$100 of value of all tangible personal property which has been certified as a pollution control facility. A certified pollution control facility is any property designed, constructed, or installed as a component part of any commercial or industrial premises for the primary purpose of eliminating or reducing the emission of, or ground level concentration of, particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substances, or any combination thereof which renders air harmful or inimical to the health of persons or to property or any disposal system or any treatment works, pretreatment works, appliance, equipment, machinery, or installation constructed, used, or placed in operation primarily for the purpose of reducing, controlling, or eliminating thermal pollution or water pollution caused by industrial waste, or what would be industrial waste, if discharged into the waters of Kentucky. A pollution control facility is also any disposal system or any appliance, equipment, machinery or installation constructed, used or placed in operation primarily for disposing of waste, converting waste into an item of real economic value or converting hazardous waste to nonhazardous waste; any property designed, constructed, or installed as a component part of any commercial or industrial premises for the primary purpose of eliminating or reducing the emission of sound which is harmful or inimical to the health of persons or to property, or materially reduces the quality of the environment; or any property designed, constructed, or installed for the primary purpose of removing substances from raw materials, which substances, if permitted to become a component part of the finished product, would have a deleterious effect on the environment upon product utilization.

HCR 109: Greenhouse Gas New Source Performance Standard Resolution

Rep. Jim Gooch

Urges the U.S. Congress to persuade the U.S. Environmental Protection Agency to withdraw its proposed Greenhouse Gas New Source Performance Standard for Electric Generating Units.

Hazardous Waste and Substance Management

SB 114: Commercial Drivers Licenses

Sen. Chris Girdler

Amends commercial drivers statutes so that the definition of “hazardous materials” conforms to the federal definition found at 49 *C.F.R.* sec. 383.5.



Inland Water Resource Management and Conservation

HB 431: Tax Increment Financing for Storm Water and Sewer Facilities

Rep. Ruth Ann Palumbo

Provides authority for cities and counties to establish development areas for previously undeveloped land, if the project is a mixed-use development, which includes either or both significant public storm water and sanitary sewer facilities designed to comply with a community-wide court decree mandating corrective action by the local government or agency.

Land Management and Conservation

HB 51: Coyote Hunting

Rep. Fitz Steele

Allows coyotes to be taken at night with or without use of light as provided in administrative regulations promulgated by the Kentucky Department of Fish and Wildlife Resources (DFWR).

HB 150: Fish and Wildlife Statutes

Rep. Mike Denham

Removes the distinction between the commercial and noncommercial taxidermist licenses. Also, this bill abolishes the migratory bird permit and changes the name of the waterfowl permit to the migratory bird permit. Finally this bill modifies hunting licenses by separating the senior/disabled combination license into two different licenses and creating a new senior lifetime combination hunting and fishing license. The Department of Fish and Wildlife Resources can offer multi-year licenses or permits for certain existing annual licenses or permits, but the Department may discontinue multi-year licenses or permits at any time.

HB 261: Mounted Wildlife Specimens

Rep. Wilson Stone

Requires the Department of Fish and Wildlife Resources to promulgate administrative regulations allowing any person or entity to sell or buy mounted wildlife specimens except as prohibited under federal law. DFWR must record transactions for mounted wildlife specimens for white-tailed deer, elk, bears, turkeys, and bobcats. Mounted wildlife specimens sold to or purchased from licensed taxidermists are exempt from the transaction record requirements. Also, this legislation requires the gross score for white-tailed deer and elk to be calculated using the Boone and Crockett Club's scoring manual by an official scorer. Measurements may be taken at any time with no required drying time. Finally, this bill establishes enhanced restitution values for illegally taken white-tailed deer, elk, bears, turkeys, and bobcats. The DFWR Commissioner or designee may bring a civil action to recover the restitution values and revoke hunting licenses and privileges for persons owing restitution.



HB 281: Heritage Land Conservation Fund

Rep. Keith Hall

Allows qualifying nonprofit land trust organizations to competitively apply for land acquisition funding through the Kentucky Heritage Land Conservation Fund (HLCF). Under the new law, land trusts are required to provide a one-to-one ratio cash match.

HR 78: Wentworth Lime Cave Preservation

Rep. Reginald Meeks

Urges Louisville Gas and Electric Company (LG&E) to consider alternative coal ash storage and preserve the “Wentworth Lime Cave” in Trimble County, which may have been a station along the Underground Railroad for slaves seeking freedom in the northern states.

SB 32: Sale of Mounted Wildlife Specimens by 501(c)(3) Organizations

Sen. Tom Buford

Requires the Department of Fish and Wildlife Resources to promulgate administrative regulations by January 1, 2014, to allow resident, religious, or educational institutions that qualify as a 501(c)(3) to sell mounted wildlife specimens, except as prohibited by federal law. Also, this legislation requires DFWR to establish a registry to track donated mounted wildlife specimens and exclude taxidermists from the registry requirements.

SB 50: Industrial Hemp Commission

Sen. Paul Hornback

Creates the Kentucky Industrial Hemp Commission (Commission) and establishes a research program to consist of industrial hemp demonstration plots overseen by the University of Kentucky Agricultural Experiment Station and other research partners. This legislation requires reporting on industrial hemp issues and provides that no provision of this bill allows any person to violate any federal law. It clarifies the uses of the Industrial Hemp Program Fund and allows the Commission to administer the fund and establishes the conditions and procedures for issuing industrial hemp grower licenses. This bill also sets out operational procedures for licensed growers, and sets out standards for transporting industrial hemp off the premises of a licensed grower. Licensed growers may apply for tobacco settlement funds. Under this bill, processing industrial hemp qualifies as “agribusiness” under the Kentucky Business Investment Incentive Program. The Cabinet for Economic Development will work with the Commission to promote the development of industrial hemp production and commercialization.

Reorganization and Coordination**HB 148: Dissolution of the Kentucky Wood Products Competitiveness Corporation**

Rep. Adam Koenig

Strikes the Kentucky Wood Products Competitiveness Corporation and removes all references to the agency from the state statutes.



Water Quality and Pollution Control

HB 378: Impaired Waters

Rep. Fitz Steele

Requires the Energy and Environment Cabinet (Cabinet) to maintain a public list of impaired and threatened waters (stream/river segments, lakes) that the federal Clean Water Act requires all states to submit for U.S. Environmental Protection Agency approval every two years on even-numbered years, which is commonly referred to as the 303(d) list. The list must be available on the Cabinet's website. The Cabinet must include other methodological information associated with determining whether to place the water body on the list and with developing any total maximum daily load (TMDL) restrictions. Also, the Cabinet must provide notice to certain interested parties of a water body's listing on the 303(d) for effluent or thermal based impairment. The public will have opportunity for review and comment for a specified 60-day period on TMDL. Annually, the Cabinet must prepare a report each year to the Interim Joint Committee on Natural Resources and Environment by December 31 on TMDL development for the following year.





LOUISIANA

Energy Legislation

Alternative Energy Development

HB 681: Alternative Fuel Vehicle Tax Credit Program

Rep. Stephen Ortego

Removes ethanol as an alternative fuel eligible for a refundable income tax credit of 50 percent of the cost and installation of conversion of property which will subsequently allow alternative fuel use. Remaining alternative fuels choices are natural gas, liquefied petroleum gas, any non-ethanol based advanced biofuel, and electricity. Electricity will be considered an alternative fuel only if the vehicle has four wheels, is manufactured for use on public roads, can maintain a speed of 55 miles per hour, and is propelled to a significant extent by a battery. The bill retains the provision that without itemizing, the filer may instead choose a credit of 10 percent of the cost of a new vehicle that operates on alternative fuel up to \$3,000 per vehicle.

HB 705: Solar and Wind Tax Credits

Rep. Erich Ponti

Amends the tax credit structure for solar and wind energy systems. This bill removes the tax credit for wind energy systems and deletes the applicability of the tax credits for apartments. This legislation retains the solar energy system tax credit and expands the credit to include both solar electric and solar thermal systems, or any combination of components (system). The credit is limited to one per single-family residence. Eligibility extends to a system that contains components purchased prior to July 1, 2013, and is placed in service prior to January 1, 2014, if the purchaser provides written documentation of the purchase of the system components prior to July 1, 2013.

A system must be installed on the property of the residence to which the energy is delivered; sold and installed by a person who is licensed by the Louisiana State Licensing Board for Contractors; and be compliant with the requirements of the federal American Recovery and Reinvestment Act (ARRA), including, but not limited to, all major components such as the inverter, racking, and solar modules. This bill establishes different criteria and tax credit amounts for a system which is purchased and installed in a home versus a system which is purchased by a third party and installed in a home through a lease agreement with the homeowner.

Tax credits for systems installed on or after January 1, 2014, and before January 1, 2018, will be equal to 38 percent of the first \$25,000 of the cost of purchase and eligibility is further limited as follows:

- On or after July 1, 2013, and before July 1, 2014, the system shall cost no more than \$4.50 per watt and provide for not more than 6 kilowatts of energy;



- On or after July 1, 2014, and before July 1, 2015, the system shall cost no more than \$3.50 per watt and provides for not more than 6 kilowatts of energy; and
- On or after July 1, 2015, and before January 1, 2017, the system shall cost no more than \$2.00 per watt and provide for not more than 6 kilowatts of energy.

SB 256: Clarification of the Alternative Fuel Tax Credit

Sen. Dan Claitor

Clarifies that nothing in the alternative fuel vehicle tax credit is to be construed to authorize a tax credit for the cost of a purchase of, or conversion of a vehicle to, a flexible fuel vehicle that is designed to run on an alternative fuel and either petroleum gasoline or petroleum diesel if the vehicle has only a single fuel storage and delivery system and retains the capability to be propelled by petroleum gasoline or petroleum diesel. This bill applies to the refundable tax credit against income tax for 50 percent of the cost of purchase and installation of qualified clean-burning motor vehicle fuel property, or, as an alternative, 10 percent of the cost of a new motor vehicle or \$3,000, whichever is less.

Coal and Minerals

HB 493: Salt Dome Injections

Rep. Karen Gaudet St. Germain

Requires the Commissioner of Conservation to make, after notice and hearings, any reasonable rules, regulations, and orders that are necessary to control solution mining injection wells, the permitting of such wells, and the resulting solution-mined cavern.

The measure provides that the rules shall provide for, though not be limited to, the following:

1. Submission of site assessments and updates of the stability of salt stock and overlying and surrounding sediment based on past, current, and future well and cavern operations.
2. Submission of current and proposed caverns in relation to other caverns and the edge of the salt stock provided on maps and cross-sections depictions based on best available information and updated every five years.
3. Notification of well inactivity and conclusion of mining operations.
4. Setback distances for new caverns from the edge of the salt stock.
5. Enhanced monitoring of existing caverns within the setback distance from the edge of the salt rock.
6. Permit requirements to provide assistance to residents of areas in immediate potential risk due to a sinkhole or other incident that requires evacuation. Permit requirements to reimburse the state or any political subdivision for reasonable and extraordinary cost in responding or mitigating a disaster or emergency due to a violation of proposed law or a rule, regulation, or order promulgated or issued pursuant to proposed law. Such costs are subject to approval by the Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and payments are not an admission of responsibility.



7. Criteria considered in deciding to approve the implementation of a closure plan of a solution mining injection well.
8. Submission and maintenance of post-closure plans to include subsidence monitoring, corrective action, and site remediation.
9. Evidence of financial security to be maintained for closure and post-closure costs.
10. Department protocols to ensure that all oil and gas activity within the vicinity of a salt dome shall be considered during the permitting process for any solution mine permit.

HB 494: Disclosure of Salt Caverns

Rep. Karen Gaudet St. Germain

Requires the seller of property to include among their mandatory disclosures a statement as to whether or not the seller is aware of a cavity created within salt stock by dissolution with water lies under the property or whether the property is within 2,640 feet of a solution mining injection well. The measure requires the owner or operator of a solution-mined cavern to provide notification of the location of such cavern in the mortgage and conveyance records of the parish where the property is located. If the owner or operator fails to provide such notification, the Commissioner of Conservation may cause such notice to be recorded. This bill requires the parish clerk of court to forward to the Office of Conservation a copy of each notice recorded. The bill provides that failure of an owner to file, or to ensure that the operator files, the required notice may constitute grounds for an action of redhibition unless the purchaser has actual or constructive knowledge that the property overlays or is in proximity to a solution-mined cavern. The measure provides a period of prescription of one year from the date of knowledge of the fact that gives rise to an action. Three years after the purchase of the property, the purchaser will have no right of action. The venue for any action will be in the parish in which the property is located.

Energy Efficiency

HB 580: Building Code Updates

Rep. Hunter Greene

Requires the Louisiana State Uniform Construction Code Commission (LSUCCC) to review, evaluate, and update the State Uniform Construction Code. The LSUCCC must review, evaluate, and update the state uniform construction code no later than five years from the date of publication of the appropriate code. This bill requires all plumbing and sanitary references in Part V-Mechanical in the International Residential Code to be replaced with the applicable provisions of the State Plumbing Code. This legislation provides for the adoption of Part IV-Energy Conservation 2009 edition of the International Residential Code as amended to require that supply and return ducts be insulated to a minimum of R-6.



Natural Gas and Petroleum

HB 636: Oil Spill Contingency Fund

Rep. Mike Danahay

Removes the \$30 million fund ceiling on the Oil Spill Contingency Fund (OSCF). The bill removes limits for certain allowable uses for the OSCF and levies a base fee on the operator of a refinery of ¼ cent per barrel, rising to ½ cent per barrel for specified initiation and cessation triggers (floor of \$5 million, ceiling of \$7 million, and 100,000 plus gallon spill). This measure changes the point of fee collections from “marine transfers” to all refinery receipts. The law defines “refinery” to mean a facility located within Louisiana where crude oil is converted into a finished or higher grade product. The measure requires a study to be conducted by the Oil Spill Interagency Council.

HCR 58: Fixing America's Inequities with Revenue Act

Rep. Jared Brossett

Memorializes congress to support and expedite the adoption of the Fixing America's Inequities with Revenue (FAIR) Act.

SB 39: Nonexclusive Geophysical Permits

Sen. Gerald Long

Requires the permittee to pay permit fees for nonexclusive geophysical permits to the Office of Mineral Resources at the time of application. This legislation provides that the State Mineral and Energy Board may determine fees every 12 months or as often as necessary.

SB 139: Fines Levied by the Commissioner of Conservation

Sen. Rick Ward, III

Provides that any person found to be in violation of any requirement, rule, regulation, or order related to the drilling or use of underground caverns issued by the Commissioner of Conservation (Commissioner) may be liable for a civil penalty, to be assessed by the Commissioner or the court, of not more than the cost to the state of any response action made necessary by the violation and a penalty of not more than \$32,500 per day of the violation. If the violation is done intentionally, willfully, or knowingly and results in either a discharge or disposal which causes severe damage to the environment or a discharge or disposal which endangers human life or death, the person may be liable for an additional penalty of not more than \$1 million. Any person found to be in violation of any rule, regulation, or order related to the drilling or use of underground caverns may be subject to revocation or suspension of any issued permit, license, or variance.

Also, the bill provides that any person who has been issued a compliance order or a cease and desist order and who fails to take corrective action within the time specified will be liable for a civil penalty to be assessed by the Commissioner or the court of no more than \$50,000 per day of the violation. The Commissioner must provide an opportunity for relevant and material public comment relative to any penalty which may be imposed at a penalty determination hearing. If the penalty assessed by the Commissioner is upheld in full or part by a court, the Commissioner will be entitled to



legal interest. If the penalty is vacated or reduced as a result of an appeal of the assessment, the court will award to the respondent legal interest.

SR 189: Withholding Study Task Force

Sen. Barrow Peacock

Creates the Withholding Study Task Force to study the deduction withholding of certain oil and gas proceeds of out-of-state individuals and entities.

Reorganization and Coordination

HB 272: Professional Geoscience Practice Act

Rep. Hunter Greene

Provides for licensure of professional geoscientists and geoscientists-in-training under the state Professional Geoscience Practice Act. The bill retains present law and requires the payment of an application fee for licensure established at the discretion of the Geoscience Practice Board (GPB) not to exceed \$200. This legislation prohibits the GPB from increasing the application fee by more than \$30 in a three-year period and requires the payment of a licensure renewal fee established by the GPB not to exceed \$150. The bill prohibits the GPB from increasing the renewal fee by more than \$20 in any one-year period and allows for the establishment of a maximum late renewal fee not to exceed three times the normal renewal fee.







LOUISIANA

Environmental Legislation

Coastal Zone Management

HB 142: Crab Traps

Rep. Gordon Dove

Provides for an exemption from the requirement that crab traps have escape rings for traps which are made of wire mesh 2-5/16 inches square or larger.

HB 236: Oyster Harvesting Violations

Rep. Chris Leopold

Provides that failing to transfer oysters to refrigeration within one hour of harvest constitute a class four violation punishable as follows:

- \$400 to \$950 or imprisonment for more than 120 days, or both, for the first offense;
- \$750 to \$999 and imprisonment between 90 and 180 days for the second offense; and
- \$1,000 to \$5,000 and imprisonment between 180 days and two years for the third or more offense.

This bill also prohibits the harvest, possession, sale, trade, purchase, or exchange of oysters taken from areas not approved by the state health officer. The penalties for such violations under this legislation are a class six violation punishable, for each offense, with a fine of between \$900 and \$950 or imprisonment for less than 120 days or both and forfeiture of anything seized. In addition, the measure provides that, for the first violation, the violator's oyster harvester license shall be revoked and a new license shall not be issued for one year from the date of conviction, and the violator shall be required to perform at least 40 hours of community service, litter abatement if available. During the period of revocation, the bill allows the violator to be present on a vessel harvesting or processing oysters only if the vessel is equipped with and actively using a vessel monitoring system approved by the Department of Wildlife and Fisheries (DFW). For a second violation, the violator's oyster harvester license shall be revoked and a new license will not be issued for three years from the date of conviction and the violator will be required to perform at least 90 hours of community service, litter abatement if available. Further, for a second or subsequent violation, the violator is prohibited from being on a vessel harvesting or processing oysters. For a third or subsequent violation, the violator's oyster harvester license shall be revoked and a new license will not be issued for 10 years from the date of conviction and the violator shall be required to perform at least 120 hours of community service, litter abatement if available.



HB 345: Commercial Oyster Harvesting Permits

Rep. Ray Garofalo

Extends the requirement for vessels engaged in the commercial harvest of oysters on state seed grounds and public natural reefs to possess a seed ground vessel permit until November 15, 2016.

HB 376: Mooring Program in the Atchafalaya Delta Wildlife Management Area

Rep. Stuart Bishop

Authorizes the Department of Wildlife and Fisheries to establish a mooring program in the Atchafalaya Delta Wildlife Management Area (WMA) and requires the DWF to locate mooring pilings where appropriate in the WMA. This legislation provides for an annual leasing fee and requires that a maximum of 40 percent of the mooring sites be leased through a bidding process and the remaining sites be leased through a lottery system. The bill sets fees of \$300 for two pilings or \$500 for three or more and limits the fees for the “premium” sites to no less than 110 percent of those available through the lottery system. The new law also creates the Atchafalaya Delta WMA Mooring Account in the Conservation Fund and provides that revenues received from payments for mooring access fees be placed in the Fund. The bill provides that the monies in the Fund be used exclusively for development, construction, maintenance, and dredging of the mooring sites in the WMA. The legislation requires an annual report of revenues and expenditures in the program to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

HB 378: Charter Boat Fishing Industry

Rep. Welt Leger, III

Increases the charter passenger fishing trip license fee for a person fishing with a licensed charter guide on board a vessel to \$10 from \$5 and increases for an annual nonresident charter boat fishing guide license fee from \$1,000 to \$1,500 for a vessel carrying up to six passengers and \$2,000 to \$2,500 for a vessel carrying more than six passengers. The bill dedicates the revenues received from the additional fees to the Conservation Fund and requires that the monies shall be used by the Department of Wildlife and Fisheries for promotion of the charter boat industry, protection of the fishery, and to provide for administrative costs of the Conservation Fund.

SB 77: Louisiana International Deep Water Gulf Transfer Terminal Authority

Sen. A.G. Crowe

Expands the jurisdiction of the Louisiana International Deep Water Gulf Transfer Terminal Authority over a structure, a series of structures, or a facility constructed after August 1, 2008, in Plaquemines Parish within certain latitudinal and longitudinal coordinates.



Environmental Health Services

HB 510: Board of Animal Health

Rep. Bubba Chaney

Requires that all service of suits filed against the State Board of Animal Health are served on the Commissioner of Agriculture.

This bill retains the requirements that the State Veterinarian be licensed to practice veterinary medicine in Louisiana, be a graduate of a recognized school of veterinary medicine, and have at least five years of experience as a veterinarian but removes present law stipulation that three of the five years of veterinary experience be in the regulatory control of livestock disease. The bill provides the State Veterinarian with power to establish, maintain, and enforce quarantine lines and place restrictions on intrastate and interstate travel of livestock; to place any livestock in quarantine until necessary inspections, tests, or specific investigations have been completed; to appoint inspectors to enter premises, to inspect and disinfect livestock premises, and enforce quarantines; to make a determination based on the current study of disease risks that additional requirements are needed to prevent the introduction or spread of disease; and to direct a person to comply with the entry or additional requirements in writing or orally and confirmed in writing.

Inland Water Resource Management and Conservation

HB 96: Waterworks Districts

Rep. Chris Broadwater

Authorizes the board of commissioners of waterworks districts to appoint a fiscal agent for a period of up to three years rather than just one year.

HB 719: Crappie Fishing on the Toledo Bend Reservoir

Rep. Frankie Howard

Provides for a possession limit of 100 crappie taken on a recreational license from the Toledo Bend Reservoir and removes the Wildlife Management Area's authority to amend by rule the possession limits for crappie caught on a recreational license in Toledo Bend Reservoir.

SB 160: Ground Water Conservation Districts

Sen. Yvonne Dorsey-Colomb

Requires that in any provision of law applicable to a groundwater conservation district located in a parish with population, according to the most recent federal decennial census, in excess of 400,000, the term "Director of the Department of Public Works" means the director of the municipal Department of Public Works for the municipality with the greatest population located in the district.

SB 171: Community Water Systems

Sen. Jack Donahue

Provides neither the State Health Officer nor the Office of Public Health (OPH) of the Department of Health and Hospitals (DHH) may promulgate a rule or take action



requiring the modification of an existing community water system in operation before August 1, 2013, unless the State Health Officer or the OPH demonstrates that such public water system is incapable, with proper operation and maintenance, of attaining compliance with the National Primary Drinking Water Regulations without the modification. “National Primary Drinking Water Regulations” means the maximum contaminant levels and the maximum residual disinfectant levels as defined in federal regulations. A sanitary survey of a public water system can be conducted only to ensure compliance with the National Primary Drinking Water Regulations and the State Sanitary Code requirements. The State Health Officer or the OPH may only classify as a significant deficiency if defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution systems are causing the introduction of contamination into the water delivered to consumers.

The State Health Officer and the OPH may use the Recommended Standards for Water Works (the Ten State Standards) promulgated by the Great Lakes and Upper Mississippi Board of State Sanitary Engineers only as a guide in the review of plans and specifications submitted in connection with an application for a permit for a new public water supply system or in connection with the modification of an existing public water system. “Ten State Standards” means the Recommended Standards for Water Works (2003 Edition) or any other edition promulgated by the Great Lakes Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers.

A public water supply system permit will be issued for a design that complies with the National Primary Drinking Water Regulations, whether or not such design comports to the Ten State Standards. This legislation creates the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee within DHH to develop standards to be placed in the State Sanitary Code for water works construction, operation, and maintenance. The OPH will promulgate rules and regulations pursuant to the Administrative Procedures Act.

Land Management and Conservation

HB 166: Timber Severance Taxes

Rep. Andy Anders

Deletes the requirement for Tax Commission involvement in determining the stumpage market value of trees, timber, and pulpwood by the Louisiana Forestry Commission and replaces it with authority for its assistance. The second Monday in December requirement for determination of value is also deleted, requiring the determination to be made sometime in December. The Agriculture Department publication is to be considered in the value determination but is not required to be the exclusive source of information.

HB 200: Landscape Architects

Rep. Andy Anders

Requires the Horticulture Commission (Commission) to establish the cost of the examination by rule in an amount not to exceed \$200 for administering and grading the state Landscape Architect Examination. This legislation requires the national



organization, Council of Landscape Architects Registration Boards (CLARB), or its successor, to prepare the National Landscape Architect Examination. This bill provides that questions compiled for the state Landscape Architect Examination will be approved by the Commission. This bill maintains reciprocity for licensees of other states who have passed an examination approved by CLARB and provides for credit of such examination; however, it requires the applicant to pass the state portion of Landscape Architect Examination. This law requires that an applicant meet the minimum qualification standards approved by CLARB in order to take the national landscape architect examination. Further, it requires the applicant to submit evidence of passing the national examination prepared by CLARB, or its successor, in order to qualify to take the state Landscape Architect Examination.

HB 593: Nonresident Student Hunting Licenses

Rep. Rogers Pope

Allows a nonresident student enrolled full-time in a state high school or college to obtain a hunting license for the cost of a resident license. This bill requires verification of enrollment status and possession of a student identification card while hunting.

SB 58: Fish and Game Given for Charitable Meals

Sen. Sherri Smith Buffington

Allows a not-for-profit entity or a charitable organization to receive or use any commercial or game fish, migratory or resident game bird, game quadruped, alligator, or feral hog in food or meal distribution, if there is no cost to an individual.

SB 84: Hunters for the Hungry

Sen. Neil Riser

Provides that individuals who purchase fishing or hunting licenses have the option of making a donation to Hunters for the Hungry at the time of purchase of the license and upon the license form prescribed by the Secretary of the Department of Wildlife and Fisheries. The legislation establishes the Hunters for the Hungry Account within the Conservation Fund and provides that all donations, after compliance with the constitutional provisions regarding the Bond Security and Redemption Fund, be deposited in the account. Every three months the State Treasurer is to remit the balance of the account to the nonprofit Hunters for the Hungry. Monies in the account must be used solely as provided in new law and that all unexpended and unencumbered monies in the account at the end of the fiscal year remain in the fund to be invested by the State Treasurer in the same manner as monies in the State General Fund. No more than 10 percent of the monies in the account may be used for administrative costs and the remaining balance be used solely by Hunters for the Hungry for the processing and delivery of meats by not-for-profit or charitable organizations. All monies used pursuant to the account will be subject to audit by the legislative auditor. At the end of each calendar year, the Hunters for the Hungry is to submit to the House Natural Resources and Environment Committee and the Senate Committee on Natural Resources a report detailing the revenue and expenditures of the account and a description of the organization's activities related to the account.



Reorganization and Coordination

HB 156: Boards and Commissions

Rep. Clay Schexnayder

Abolishes the Louisiana Bio-Fuel Panel and transfers its functions to the Commissioner of Agriculture and Forestry. Also, this bill abolishes the Mullet Task Force as well the Reptile and Amphibian Task Force and their functions.

HB 286: Southeast Louisiana Flood Protection Authorities

Rep. Jarred Brossett

Amends the process and membership for the nominating committee of the Board of Commissioners of the Southeast Louisiana Flood Protection Authorities. This bill removes the Secretary of State from the nominating committee in any capacity. It specifies that the Chairman of the Coastal Protection and Restoration Authority, not the Secretary of State, will be custodian of the records of the nominating committee. This bill requires the Chairman of the Authority, or in his absence, the Chairman of the Coastal Protection and Restoration Authority, to call the meeting of the nominating committee and requires the Flood Protection Authority Board to advise the Chairman of the Coastal Protection and Restoration Authority in the event of a vacancy on the flood protection authority board within 10 days of such vacancy. The Chairman of the Coastal Protection and Restoration Authority must publish notice of the vacancy in the official journal of the state and of each parish within the territorial jurisdiction of the Authority within 14 days of the occurrence of a vacancy.

HB 307: Department of Environmental Quality

Rep. Eddie Lambert

Amends the process for stays of agency decisions through judicial review in the Administrative Procedure Act. Current law specifies that stays may be granted by the applicable agency or the court ex parte and may be granted in accordance with local court rules pertaining to injunctive relief and issuance of temporary restraining orders. The bill retains existing law except it removes the reference to stays from the Administrative Procedure Act for decisions of the Department of Environmental Quality (DEQ). The stay of a final permit action may only be ordered by a court, not DEQ, after notice to the parties and an opportunity for a hearing.

HB 426: Wildlife and Fisheries Commission

Rep. James Armes

Creates a proposed constitutional amendment to be put to voters at the statewide election to be held November 4, 2014, would retain existing constitution for the Fish and Wildlife Commission, but the amendment would require that two of the at-large members be residents of parishes from north of a line created by the northern boundary of the parishes of Beauregard, Allen, Evangeline, Avoyelles, and Pointe Coupee.

HB 480: Responsibility for Regulation of Seismic Activity

Rep. Clay Schexnayder

Moves responsibility for regulation of seismic operations from the Office of Fisheries to the Office of Wildlife, both within the Department of Wildlife and Fisheries.



SB 168: Agricultural Chemistry and Seed Commission

Sen. Francis Thompson

Provides for the merger of the Feed, Fertilizer, and Agricultural Liming Commission and the Seed Commission and creates the Agricultural Chemistry and Seed Commission (ACSC). The ACSC will be composed of the following seven members: the Commissioner of Agriculture and Forestry (Commissioner) or his designee; one member and an alternate, representing the Louisiana Agricultural Experiment Station, appointed by the Commissioner who serves at the pleasure of the Commissioner; one member and an alternate, representing the State Cooperative Extension Service, appointed by the Commissioner who serves at the pleasure of the Commissioner; the President of Louisiana Farm Bureau Federation, Inc. or his designee as approved by the Commissioner; one member representing the seed industry appointed by the Commissioner from a list of three nominees submitted by the Louisiana Ag Industries Association who shall serve at the pleasure of the Commissioner; one member representing the fertilizer industry appointed by the commissioner from a list of three nominees submitted by the Louisiana Ag Industries Association who shall serve at the pleasure of the Commissioner; and one member representing the feed industry appointed by the Commissioner from a list of three nominees submitted by the Louisiana Ag Industries Association and a list of three nominees submitted by the Louisiana Cattlemen's Association who shall serve at the pleasure of the Commissioner.

Solid Waste

HB 591: Waste Tire Program Task Force

Rep. Stuart Bishop

Creates the Waste Tire Program Task Force charged with the responsibilities to study, report, and make recommendations on the Waste Tire Program to the oversight committees on or before February 15, 2014. The bill provides that the Task Force shall be composed of the following members: the Secretary of the Department of Environmental Quality, or her designee; the Chairman of the House Committee on Natural Resources and Environment, or his designee; the Chairman of the Senate Committee on the Environment, or his designee; a representative appointed by the Governor; a representative appointed by the Louisiana Motor Transport Association; a representative appointed by the Louisiana Independent Tire Dealers Association; and a representative each appointed by each of the waste tire processors permitted as of May 1, 2013. Members will serve without compensation, except per diem or expense reimbursement to which they may be individually entitled as members of their constituent organizations. The Secretary of the DEQ, or her designee, will serve as Chairman of the Task Force and at the first meeting, the Task Force will elect a Vice Chairman. The Task Force must hold its first meeting by August 31, 2013, will meet as necessary to complete its responsibilities, and must disband after submitting its report.

Additionally, this bill removes a \$2.50 waste tire fee increase for medium truck tires and the requirement of establishing a procedure to cover the costs, when funds are available, of transporting and recycling waste tires collected at collection centers and tire retailers. This legislation authorizes payment to waste tire processors to be based on tire count.



SB 131: Secondary Metal Sales

Sen. John Smith

Provides that after five business days from the date of the transaction, payment for the sale of copper will be made in the form of a check made payable to the name and address of the seller of the metal or a loadable payment card and will be tendered to the seller by either mail to the address recorded on the photo identification of the seller; in person at the place of business of the operator; or by electronic transfer. Payments in excess of \$300 for metals other than copper must be made in the form of a check made payable to the name and address of the seller or a loadable payment card and may be tendered to the seller at the time of the transaction. The legislation provides that if an operator makes payment to the seller in the form of a loadable payment card, the operator must require verification of the seller's identification by a driver's license or similar means and the verification of the seller's address by a current utility bill.





MARYLAND

Energy Legislation

Alternative Energy Development

HB 103/SB 245: Solar Power in New Schools

Del. Dan Morhaim and Sen. James Robey

Requires the Board of Public Works (BPW) to adopt regulations that require the design development documents submitted by local boards of education to the Interagency Committee on School Construction (IAC) for the construction or major renovation of a public school building include an evaluation of the use of solar technology, including photovoltaic or solar water heating, based on life-cycle costs. If an evaluation determines that solar technology is not appropriate for a specific school construction or major renovation project, the local board must submit a report explaining why it is not appropriate.

HB 226: Offshore Wind Energy Act of 2013

Speaker Michael Busch

Creates a “carve-out” for energy derived from offshore wind in the State Renewable Energy Portfolio Standard (RPS), beginning in 2017 and extending beyond 2022. The bill establishes an application and review process for proposed offshore wind projects by the Public Service Commission (PSC). The legislation specifies a window of maximum projected rate impacts for both residential and nonresidential electric customers. The legislation establishes a Maryland Offshore Wind Business Development Fund and Advisory Committee in the Maryland Energy Administration (MEA) to promote emerging businesses related to offshore wind and also establishes a Clean Energy Program Task Force and a Clean Energy Technical Education Task Force. The measure sets specified funding sources including transfers from the Strategic Energy Investment Fund (SEIF) and developer payments. The PSC receives funding from SEIF and may implement specified special assessments on electric companies to implement the bill. The requirement to obtain a Certificate of Public Convenience and Necessity (CPCN) is changed for specified persons.

HB 791: Electric Vehicles Tax Credit

Del. Brian McHale

Extends the termination date of the income tax credit for electric vehicle recharging equipment through tax year 2016. The bill also extends, subject to available funding, the qualified electric vehicle excise tax credit for a plug-in electric vehicle that is titled on or after October 1, 2010, but before July 1, 2014, but modifies the amount of the tax credits. The measure authorizes the Maryland Energy Administration to award a maximum of \$600,000 in recharging equipment credits annually, and \$1,287,000 in electric vehicle excise tax credits is made available in fiscal 2014. Funds from the Strategic Energy



Investment Fund must be transferred to the general fund and the Transportation Trust Fund (TTF) in order to offset revenue losses caused by the tax credits.

HB 836/SB 600: Electric Vehicle Statutory Extensions and Modifications

Del. James Malone and Sen. Rob Garagiola

Extends by two years the termination date for the Maryland Electric Vehicle Infrastructure Council (Council) and by four years the authorization for plug-in electric drive vehicles to use high occupancy vehicle (HOV) lanes. The legislation also establishes new reporting requirements for the Council. The bill defines “plug-in electric drive vehicle” in the Maryland Vehicle Law, including for purposes of the vehicle excise tax credit, the disclosure of personal records by the Motor Vehicle Administration, and the use of such vehicles on HOV lanes. The new definition does not substantively alter the application of the tax credit, but the definition changes slightly for purposes of the personal record disclosure requirement and the authorization to use HOV lanes.

HB 1084/SB 797: Thermal Renewable Energy Task Force

Del. Dana Stein and Sen. Mac Middleton

Establishes a Maryland Thermal Renewable Energy Task Force to study and make recommendations on the incorporation of thermal energy into the State’s Renewable Energy Portfolio Standards. The Maryland Energy Administration must staff the task force, which must report its findings and recommendations to the Governor and the General Assembly by December 31, 2013.

HB 1534/SB 1064: Solar Hot Water Heaters

Del. Barbara Thrush and Sen. Mac Middleton

Expands the definition of “solar water heating system” for the purpose of compliance with the State’s Renewable Energy Portfolio Standards to include concentrating solar thermal collectors as defined and certified to the OG-100 standard of the Solar Ratings and Certification Corporation. Concentrating solar collectors use reflective surfaces such as mirrors, advanced polymers, or polished aluminum to concentrate solar thermal energy (heat) onto tubes circulating water, oil, or another liquid heat transfer medium to create hot water or steam.

SB 887: Solar Power Generating Stations

Sen. Rob Garagiola

Requires a person who constructs a generating station that produces electricity from a solar photovoltaic (PV) system that does not need a certificate of public convenience and necessity to file an application for approval to construct the generating station with the Public Service Commission at least six months before construction commences. A person who files an application for approval to construct a solar PV system must pay a deposit of percent of the total installed costs of the project to an escrow account held by the PSC. The PSC must refund the deposit, less reasonable administrative costs, of a person who demonstrates to PSC that the person is fully authorized to commence construction within 18 months after filing an application. If the person does not commence construction within 18 months, unless granted an extension by the PSC, the money is considered abandoned and is transferred to the Strategic Energy Investment Fund.



Emergency Management and Homeland Security

HB 1513: Business Licensing and Taxes

Del. Sheila Hixon

Establishes that an out-of-state business that performs disaster- or emergency-related work during a disaster period does not establish a level of presence that would require the out-of-state business or its out-of-state employees to be subject to specified tax obligations or licensing or registration requirements. “Disaster- or emergency-related work” means repairing, renovating, installing, building, rendering services, or other business activities that relate to infrastructure that is damaged, impaired, or destroyed by the declared state disaster or emergency. Under this legislation, “infrastructure” means property and equipment owned or used by communications networks, electric generation facilities, electric and gas transmission and distribution systems, water pipelines, and related support facilities.

Energy Efficiency

HB 621: Regulated Sustainable Energy Contract Program

Del. Doyle Niemann

Authorizes the Maryland Energy Administration to create a Regulated Sustainable Energy Contract Program (Program). Under the Program, qualified contractors provide residential renewable energy installations and residential energy efficiency measures to residential property owners under regulated sustainable energy contracts of up to \$30,000 that are recorded in land records and enforceable by imposition of a lien on the property. MEA must perform a feasibility study before developing and implementing the Program and may develop and implement a test or pilot program. MEA must report to the General Assembly on its progress in carrying out the requirements of the bill by December 31, 2013.

HB 637: High Performance Buildings

Montgomery County Delegation and Prince George's County Delegation

Specifies that it is the intent of the General Assembly that, to the extent practicable, Maryland-National Capital Park and Planning Commission (M-NCPPC) must employ green building technologies when constructing or renovating commission-owned buildings. If an M-NCPPC capital project includes the construction or major renovation of a building that is 7,500 square feet or greater, the building must be constructed or renovated to be a high-performance building. A high-performance building must meet the criteria and standards established under the “High Efficiency Green Building Program” adopted by the Maryland Green Building Council. M-NCPPC may request a waiver from the high-performance building requirement from the county where a proposed capital project is located. The county council, with the approval of the county executive, may grant a waiver from the high-performance building requirement if it is determined that the use of a high-performance building in a proposed capital project is not practicable. M-NCPPC must disclose any waiver issued in its Capital Improvement Program.



HB 769/SB 750: Building Performance Standards

Del. James Malone and Sen. James Robey

Prohibits a local government from adopting amendments to the Maryland Building Performance Standards (MBPS) that weaken the wind design and wind-borne debris provisions contained in the standards.

Natural Gas and Petroleum

HB 669: Motor Fuel Additives

Del. Michael Vaughn

Authorizes the Comptroller to authorize any person who holds a dealer license other than a Class “A” dealer license to introduce an additive into gasoline for resale or distribution if the person complies with the law and related regulations. The Comptroller issues multiple classes of dealer licenses that authorize various activities relating to the import, export, and acquisition of gasoline and other motor fuels. The bill requires that the regulations adopted by the Comptroller specify that additives be introduced by in-line blending or any equivalent or superior method, as determined by the Comptroller, and that the licensed dealers pay the motor fuel excise tax on the additive.

HB 828/SB 766: Registration for Land Professionals

Del. Wendell Beitzel and Sen. George Edwards

Establishes a mandatory registration program for land professionals. Before obtaining any mineral rights in oil or gas from a property owner, a land professional must provide proof to the property owner that he or she is registered as a land professional in the state. Registration is valid for two years and may be renewed. A violation of the bills is a misdemeanor, subject to a fine of between \$500 and \$1,000. The bills require the Department of Labor, Licensing, and Regulation (DLLR) to facilitate public access to the registry and to adopt regulations to establish a registration form, set fees for initial and renewal registration, provide for the assignment of a registration number and the issuance of a registration certificate, and establish any other requirements and procedures necessary to implement registration.

HB 1124/SB 863: Gas Transmission Pipelines

Del. Dana Stein and Sen. Bobby Zirkin

Requires the Public Service Commission, by December 1, 2013, to evaluate the process and criteria that the U.S. Secretary of Transportation (Secretary) would use to review an application for certification or agreement with the Secretary under federal law with respect to interstate pipelines located within the state; and determine whether it is in the public interest to apply for that certification or agreement. The PSC must apply for certification or agreement with the Secretary by January 1, 2014, if the PSC determines that it is in the public interest for the Commission to act for the Secretary. If the Commission enters into a certification or agreement with the Secretary, the Commission, in accordance with federal regulations, must make periodic inspections of interstate pipelines and report to the U.S. Department of Transportation. The Commission may charge the owner of an interstate pipeline a fee to recover inspection costs. On completion of the evaluation and determination required under the bill, the



PSC must report to the Governor and the General Assembly on its findings and conclusions.

HB 1515: Transportation Infrastructure Investment Act of 2013

Speaker Michael Busch

Imposes a 1 percent tax collected by wholesalers on the retail price of motor fuel, excluding federal and state taxes, effective July 1, 2013, increasing to 2 percent on January 1, 2015, and to 3 percent on July 1, 2015. This measure indexing motor fuel excise tax rates to the Consumer Price Index for Urban Consumers (CPI-U) beginning July 1, 2013, and specifies that the annual increase in the excise tax cannot exceed 8 percent above the prior year. The Maryland Department of Transportation (MDOT) is also required to report on the impacts of indexing by January 1, 2019. This legislation dedicates a portion of sales tax revenue to the Transportation Trust Fund, if the federal government authorizes online sales tax collections. If federal legislation is not enacted by December 1, 2015, the motor fuel tax on the retail price increases to 4 percent on January 1, 2016, and to 5 percent on July 1, 2016.

SB 854: Performance Bond Requirements

Sen. George Edwards

Repeals performance bond requirements for the holder of a permit to drill an oil or gas well and instead requires compliance with several alternative financial assurance requirements. These include planning for the plugging and sealing of a proposed oil and gas well, as well as specific financial assurance, comprehensive general liability insurance, and environmental pollution liability insurance requirements.

Reorganization and Coordination

HB 1145: Task Force to Study Energy Generation

Prince George's County Delegation

Establishes a Task Force to Study Energy Generation in Prince George's County (County). The task force must study the extent to which energy generation within the County is able to meet the County's current and projected energy needs and make related recommendations. The County government must provide staff for the task force, which must report its findings and recommendations to the General Assembly, the Prince George's County Senators, the Prince George's County Delegation, the Prince George's County Executive, and the Prince George's County Council by December 31, 2013.

Utilities

HB 587: Vegetation Management Standards

Del. Derrick Davis

Prohibits a local government from adopting or enforcing a local law, rule, or regulation or taking any other action that interferes with or materially increases the cost of the work of an electric company toward compliance with specified vegetation management standards adopted by the Public Service Commission.



HB 1055: Minority Business Enterprise Requirements

Del. Aisha Braveboy

Requires the Maryland DOT, the Governor's Office of Minority Affairs, and the Public Service Commission, in consultation with the Office of the Attorney General, to evaluate the feasibility and legality of whether requiring the PSC to apply the state's minority business enterprise requirements when exercising its authority to require or allow investor-owned electric companies to own generating and transmission facilities would be feasible and in compliance with the requirements of the *Croson* decision and any subsequent federal or constitutional requirements. Generally, for a minority set-aside program to be constitutional, the *Croson* decision requires that the need for remedial action against discrimination in the relevant market is identified and that other nondiscriminatory remedies would be insufficient. The agencies must report their findings and recommendations to the General Assembly by December 1, 2013.

HB 1090/SB 849: Utility Restoration

Del. Ben Barnes and Sen. Victor Ramirez

Authorizes the tenant of an "affected dwelling unit" to have utility service restored, or to prevent termination of utility service, when the landlord responsible for utility payments defaults. The legislation only applies to gas or electric service and does not apply to electric cooperatives. A tenant facing threatened or actual termination of utility service may apply for a new utility service account in the tenant's name and may not incur liability for charges due on the landlord's account. A tenant may deduct the amount of payments made to a utility service provider from the rent due to the landlord under specified conditions. The measures also establish specified notification requirements for termination of utility service if the service address is different from, or the same as, the billing address of the affected dwelling unit.

HB 1159: Special Needs Medical Facilities

Del. Ben Kramer

Requires the Secretary of Health and Mental Hygiene, by January 1 of each year, to establish and provide a list of "special medical needs facilities," including the licensed capacity of each facility, to each electric company for its service territory; post the list on the Department of Health and Mental Hygiene's (DHMH) website; and establish a procedure to allow a special medical needs facility to remove its information from the list. The bill also requires each electric company to submit specified information related to special medical needs facilities in its annual performance report to the Public Service Commission. The PSC must report to the General Assembly by December 1, 2013, on specified findings and recommendations related to electric service to special medical needs facilities.

SB 8: Surcharges for Infrastructure Replacement Projects

Sen. John Astle

Authorizes gas companies to file a plan with the Public Service Commission requesting authorization to include a surcharge on customers' bills to recover specified costs associated with proposed eligible infrastructure replacement projects. The bill establishes a limit for the surcharge that may be imposed of \$2 per month for each residential gas customer. The surcharge for a nonresidential customer must not be less



than the fixed annual surcharge applicable to a residential customer account but also must be capped. To create a surcharge cap for all customer classes, costs must be allocated to nonresidential and residential customers consistent with the proportions of total distribution revenues that those classes bear in accordance with the most recent base rate proceeding for the gas company. Gas companies only recover a portion (carrying costs) of the total costs of eligible infrastructure replacement projects. The gas company recovers the remaining costs as depreciation costs in its rate base over at least 30 years. The PSC may approve a plan if it finds that the investments and estimated costs of eligible infrastructure replacement projects are reasonable and prudent and designed to improve public safety or infrastructure reliability over the short and long-term. The surcharge applies for five years from the date of initial implementation of an approved plan. Unless a plan is filed in conjunction with a base rate case, the PSC may not consider any unrelated revenue requirement or ratemaking issue when reviewing a plan for approval or denial. Any adjustments for return on equity based on an approved plan must only be considered and determined in a subsequently filed base rate case. A gas company must file a reconciliation to an approved plan with the PSC each year to adjust the amount of the surcharge in order to account for any difference between the actual cost of a plan and the actual amount recovered under the surcharge. A gas company must provide a refund on customers' bills, including interest, if the actual cost of a plan is less than the amount collected under the surcharge. If the PSC establishes new base rates for a gas company that include costs on which a surcharge is based, the gas company must file a revised rate schedule with the PSC that subtracts those costs from the surcharge.







MARYLAND

Environmental Legislation

Air Quality and Pollution Control

HB 95: New Source Performance Standards

Del. Maggie McIntosh

Alters the public participation requirements associated with the issuance of an air pollution permit to sources that must comply with specified federal air quality New Source Performance Standards (NSPS) regulations. Prior to issuing a permit for a source that must comply with NSPS standards, the Maryland Department of the Environment (MDE) may provide notice either through the current public participation process or by electronically posting a notice of the permit application on MDE's website; give notice to the chief executive of any local government in which a portion of the source is located or proposed to be located; and receive comments from the public.

SB 61: Public Notice Requirements

Sen. Joan Conway

Allows the Maryland Department of the Environment to satisfy the public hearing notice requirement associated with the adoption of new air quality regulations by publishing a notice on the MDE website. Beginning October 1, 2014, MDE must annually publish a notice in a newspaper of general circulation that notifies the public of the types of public notices available on the MDE website, as well as a phone number or email address that a person may contact to arrange for the receipt of future public notices by first class mail or email. However, the legislation maintains the current notice requirements until October 1, 2014, and requires the MDE to describe in each public notice until October 1, 2014, the changes to the notice process that are to begin on that date.

Coastal Zone Management

HB 96: Water Testing for Shellfish Fish Harvesting Bans

Del. Maggie McIntosh

Repeals a provision that requires the Maryland Department of the Environment to test or inspect waters that have been restricted for shellfish harvesting at least twice monthly or more frequently if requested by the appropriate governing body of any county affected by the restriction.

HB 357/SB 344: Potomac River Fisheries Commission

Del. John Wood and Sen. Mac Middleton

Increases the Potomac River Fisheries Commission's (PRFC) oyster inspection tax from \$1 to \$2 per bushel. All oyster inspection tax proceeds are to be used solely for planting seed or shell oyster on working bottom, as part of PRFC's Oyster Management Reserve Program. The bills also increase the maximum fine amount for violations of PRFC



regulations from \$1,000 to \$3,000. Although the oyster inspection tax provision is scheduled to take effect on July 1, 2013, and the maximum fine provision is scheduled to take effect on October 1, 2013, the bill could not take effect until similar legislation was enacted by Virginia. Virginia's SB 110 was signed into law during 2013.

HB 385/SB 27: Chesapeake Conservation Corps Program

Del. Shane Robinson and Sen. John Astle

Extends the environmental surcharge that generates revenue for the Environmental Trust Fund (ETF) through fiscal 2020. The bill also makes permanent the funding of the Chesapeake Conservation Corps Program with \$250,000 each fiscal year from the ETF for energy conservation projects and up to \$250,000 in additional funds each fiscal year that may be allocated by the Chesapeake Bay Trust through its annual budget process. Under current law, the environmental surcharge terminates on June 30, 2015, and the Corps Program funding provisions only apply through fiscal year 2015.

HB 708/SB 547: Nuisance Organisms

Del. Maggie McIntosh and Sen. Mac Middleton

Establishes a separate criminal offense for each nuisance organism imported or possessed in violation of nonnative aquatic organism provisions in the Natural Resources Article and limits fines for violations to a total of \$25,000 for offenses arising out of the same enforcement action. Also, nuisance organism violations are expanded to include violation of regulations. Nonnative species are plants, animals, or microbes that have been transported from one geographic region to an area where they did not live previously. According to Maryland Sea Grant, the Chesapeake Bay watershed has become home to many nonnative species, some innocuous, some beneficial, but others destructive beyond expectation.

HB 994/SB 462: Wetlands and Waterways Program Fund Fee Schedule

Del. Steven Schuh and Sen. Brian Simonaire

Alters the minor project fee schedule for the Wetlands and Waterways Program Fund. The bills recognize the disparity in size and the impact on waterways between boats and personal watercraft and allow for the installation of additional personal watercraft lifts or hoists on a pier. Specifically, the bills authorize an individual to install up to six personal watercraft lifts or hoists on a pier, or a combination of up to six boat lifts and personal watercraft lifts or hoists, as long as no more than four boat lifts or hoists are installed on the pier as a minor project.

HB 1148/SB 592: Shark Fins

Del. Eric Luedtke and Sen. Brian Frosh

Prohibits a person from possessing, selling, offering for sale, trading, or distributing a shark fin in the state. However, the bills do allow a person to possess a shark fin if the person holds the appropriate state or federal license or permit authorizing the taking or landing of a shark for recreational or commercial purposes; it is taken from a shark that the person has taken or landed; and it is taken in a manner consistent with the person's license. A museum, college, or university may also possess a shark fin if the shark fin is used solely for display or research purposes. The legislation does not apply to smooth



hounds or spiny dogfish (for which certain fin removal is authorized under federal law) or rays or skates.

HB 1505: Dredge Boat Operations

Del. Jay Jacobs

Increases the maximum number of days, from two to three, per week during which a dredge boat may operate under the power of an auxiliary yawl boat while dredging for oysters. The bill impacts sailboats (e.g., skipjacks), which have small motorboats (auxiliary yawls) that can propel the sailboat as oyster harvesting occurs.

SB 59: Fisheries

Sen. Joan Conway

Repeals, clarifies, and modifies provisions of fisheries laws that are inconsistent with state regulations, unnecessary, or obsolete. The bill primarily affects provisions related to the allowable manner, places, and times for catching, and size limits applicable to, certain species of fish (including crabs, oysters, and clams). To ensure consistency with federal requirements under the National Shellfish Sanitation Program (NSSP) and existing NSSP regulations under the Department of Health and Mental Hygiene, the bill also repeals provisions concerning shellfish buying stations and oyster measurement containers. The legislation instead authorizes the Department of Natural Resources (DNR) to adopt regulations establishing procedures for selling oysters and clams and governing the size, type, and use of containers used to measure oysters harvested or sold in the state.

SB 85: Maryland Port Commission Employees' Scope of Work

Sen. Mac Middleton

Expands the scope of work that may be undertaken by the 12 management personnel employees appointed by the Maryland Port Commission to encompass the operation and management of all state-owned port facilities for the Commission, including day-to-day marine terminal operations, international trade, and customer relations.

SB 90: Vessel Excise Tax for the Waterway Improvement Fund

Sen. John Astle

Allocates 0.5 percent of specified motor fuel tax revenue to the Department of Natural Resources Waterway Improvement Fund (WIF) and establishes a maximum vessel excise tax amount of \$15,000 per vessel. The DNR must submit a report to the governor and the General Assembly by August 1 of 2014, 2015, and 2016 describing the effect of limiting the vessel excise tax on the number and type of vessels registered in the state and the health of the boating industry. The legislation also establishes a Task Force to Study Enhancing Boating and the Boating Industry in Maryland to evaluate options and make recommendations for enhancing boating and growing the boating industry. The task force must submit a report of its findings and recommendations to the Governor and the General Assembly by September 1, 2015.



SB 464: Shellfish Nurseries

Sen. Katherine Klausmeier

Establishes a permitting system for shellfish nurseries located on land or in state waters not covered by an aquaculture lease. For shellfish nurseries located on land, the Department of Natural Resources may issue a permit only to the owner or legal tenant of the property or a person with the property owner's permission. For a shellfish nursery located in state waters outside a DNR aquaculture lease area, DNR may issue a permit only to the owner of a wharf or other structure constructed on or about the water and approved by the U.S. Army Corps of Engineers, or to a person with the owner's permission. A shellfish nursery operation located in state waters and with a permit is not required to obtain a water column or submerged land lease. Shellfish nursery products are not subject to National Shellfish Sanitation Program water quality classifications and restrictions.

SB 524: Project Permitting and Licensing

Sen. Richard Colburn

Amends the current conditions for issuance of a license or permit for a nonwater-dependent project to be located on a pier in state or private wetlands, as part of an effort to modernize and simplify the issuance of such licenses and permits by the Board of Public Works, Maryland Department of the Environment, and local governments. The bill also establishes new standards for projects involving small-scale renewable energy systems and creates a new method for charging annual compensation rates to the owners of nonwater-dependent projects (except for small-scale renewable energy systems), which is based on a specified formula and property data provided by the State Department of Assessments and Taxation. The new compensation rate, like the more simplified conditional authorizations, is intended to provide greater certainty to potential developers, while accounting for the unique nature of individual project locations and the variation in property values around the state.

SB 920: Submerged Land and Water Column Leases

Sen. Roy Dyson

Authorizes specified submerged land and water column leases in Herring Creek in St. Mary's County. The bill applies only to a lease of a riparian owner or of a lawful occupant of a riparian property.

Environmental Health Services

HB 1203: Insurance Policy Exclusions

Del. Benjamin Kramer

Applies to an insurer that offers a homeowner's insurance or renter's insurance policy that excludes coverage for losses caused by specific breeds or specific mixed breeds of dogs. The bill requires the insurer, at the time of application for or issuance of a policy of homeowner's insurance or renter's insurance and at each renewal, to provide to an applicant or insured a written notice that states that the policy does not provide coverage for losses caused by specific breeds or specific mixed breeds of dogs and identifies the specific breeds or specific mixed breeds of dogs for which the policy does not provide coverage. The insurer may provide this notice in its annual statement to



policyholders. The bill applies to homeowner's or renter's insurance policies issued, delivered, or renewed in the state on or after January 1, 2014.

SB 360: Bait Dogs

Sen. Brian Simonaire

Prohibits a person from (1) using or allowing a dog to be used for baiting; (2) possessing, owning, selling, transporting, or training a dog with the intent to use the dog for baiting; or (3) knowingly allowing premises under the person's ownership, charge, or control to be used for baiting. Violators are guilty of the felony of aggravated cruelty to animals and are subject to imprisonment for up to three years and/or a \$5,000 maximum fine. A court may also order a violator to undergo and pay for psychological counseling.

Inland Water Resource Management and Conservation

HB 598: Water System Billing

Del. Alfred Carr

Authorizes a county, municipal corporation, district, or commission that owns or operates a water system to invoice for service once every other month. The bill also allows the Washington Suburban Sanitary Commission (WSSC) to bill for water and sewer usage charges once every other month.

HB 636: System Development Charge Exemptions

Montgomery County Delegation and Prince George's County Delegation

Authorizes the Montgomery County Council and the Prince George's County Council to grant an exemption from a system development charge imposed by the Washington Suburban Sanitary Commission to properties owned by a tax-exempt community-based organization that has the primary mission and purpose of providing recreational and educational programs and services to youth. To qualify for the exemption, which is limited to \$80,000, the property must be used primarily for youth-related recreational and educational programs and services. The exemption terminates in three years on June 30, 2016.

HB 797: Water Access

Del. Maggie McIntosh

Requires local governments and Maryland DOT, when developing a construction or improvement project involving a bridge or other transportation facility that is adjacent to or that crosses a waterway, to consider any reasonable and appropriate measures to provide or improve water access for fishing, canoeing, kayaking, or any other nonmotorized water dependent recreational activity. Local governments and MDOT, in consultation with the Department of Natural Resources and interested stakeholders, must establish standards and guidelines for identifying appropriate bridges and other transportation facilities to be considered for the provision or improvement of water access and best practices and cost-effective strategies for accommodating water access.



HB 1253/SB 662: Commercial Fishing

Del. Jay Jacobs and Sen. James Mathias

Modifies fees and other terms of existing annual commercial fishing licenses and establishes new annual commercial fishing authorizations, registrations, permits, surcharges, and associated fees. The legislation also repeals the tidal fish license apprenticeship program, and instead requires the Department of Natural Resources to accept applications from qualified individuals for specified tidal fishing authorizations and to maintain a waiting list in order of the date and time that applications are received. Beginning in fiscal 2014, the Governor is authorized to include in the state budget an appropriation from the general fund to augment the increase in revenues the DNR receives as a result of the bills.

SB 11: Temporary Certificates of Boat Number

Sen. John Astle

Reduces, from 90 to 60 days, the amount of time after which temporary certificates of boat number expire, consistent with federal regulations. In accordance with federal boating safety requirements (33 CFR 174.29), a state may issue a temporary certificate of number that is effective for not more than 60 days. Because temporary certificates of boat number were authorized for up to 90 days in Maryland, state law was inconsistent with federal requirements.

Land Management and Conservation

HB 66/SB 2: Turkey Hunting in Dorchester County

Dorchester County Delegation and Sen. Richard Colburn

Authorizes turkey hunting in Dorchester County on Sundays during the turkey hunting season on public land designated for hunting by the Department of Natural Resources.

HB 214/SB 24: Deer Hunting in Queen Anne's County

Del. Stephen Hershey and Sen. E.J. Pimpkin

Authorizes deer hunting on private property in Queen Anne's County on the last three Sundays in October and the second Sunday in November during the archery season and on each Sunday during the deer firearms season.

HB 365: Archery in Harford County

Del. Glenn Glass

Establishes a reduced safety zone of 100 yards for archery hunters in Harford County.

HB 378: Maryland Agricultural Land Preservation Foundation

Del. Nancy Stocksedale

Authorizes the Comptroller to disburse money from the Maryland Agricultural Land Preservation Fund to the Maryland Agricultural Land Preservation Foundation (MALPF) to use for the reimbursement of money paid into the fund by a landowner for a preliminary release of a lot. MALPF purchases agricultural preservation easements that restrict development on prime farmland and woodland in perpetuity. MALPF may reimburse the person for whom the lot was preliminarily released, the person who originally paid for the preliminary release, or another appropriate person for the



amount paid to MALPF. Subject to the prior approval of the MALPF Board of Trustees, and in accordance with regulations adopted by the Maryland Department of Agriculture (MDA), MALPF may reimburse the person only if a dwelling has not been constructed on the lot; the lot, if subdivided, has been reunited with the remainder of the easement; and a request for reimbursement is made before the preliminary release becomes void.

HB 408/SB 404: Enhanced Agricultural Management Equipment

Del. Norman Conway and Sen. Mac Middleton

Expands the existing conservation tillage equipment income tax subtraction modification to include qualified purchases of specified manure spreading equipment; vertical tillage equipment; global positioning system devices used for management of agricultural nutrient applications; and integrated optical sensing and nutrient application systems. The subtraction modification for qualified purchases of vertical tillage equipment is equal to 50 percent of incurred eligible costs.

HB 543: Carroll County Deer Hunting on Sundays

Carroll County Delegation

Authorizes the Department of Natural Resources to allow a person to hunt deer on a Sunday on private property from the first Sunday in October through the second Sunday in January of the following year, inclusive.

HB 572: Tree Experts Licensure

Del. Pamela Beidle

Reduces from five to three years the amount of time for which an applicant for a tree expert license who does not have specified college education must be engaged continuously in practice as a tree expert with a licensed tree expert in Maryland or with an acceptable tree expert company in another state. The bill also requires that, after September 1, 2017, a licensed tree expert must complete a professional development curriculum established by the Department of Natural Resources to qualify for renewal of a tree expert license.

HB 706: Forest Preservation Act

Del. Maggie McIntosh

Establishes that it is the policy of the state to achieve no net loss of forest, meaning that 40 percent of all public and private land in Maryland is covered by tree canopy. The legislation aims to preserve forest land in the state by requiring the Department of Natural Resources to provide a statewide forest resource inventory to local jurisdictions at least every five years; provide local jurisdictions with guidelines, recommendations, and technical assistance on policies and standards to protect forest land and urban tree canopy from adverse effects; expand the state's forest management policy to publicly owned forest lands; and authorize the DNR to adopt regulations to implement the state's reforestation law. This bill expands the authorized uses of the Reforestation Fund, which generates revenue from state and local highway construction projects; increases the amount of time that DNR has to spend reforestation funds; and expands the applicability of an existing income tax subtraction modification for reforestation or timber stand improvement. The DNR must convene a stakeholder group after January 1, 2017, to review the statewide forest resource inventory and make recommendations.



HB 775/SB 675: Pesticide Reporting and Information Workgroup

Del. Stephen Lafferty and Sen. Roger Manno

Establishes the Maryland Pesticide Reporting and Information Workgroup to study and make recommendations regarding the establishment of a pesticide use database. The Maryland Department of Agriculture must provide staff for the workgroup. The workgroup has to submit its preliminary findings and recommendations to specified legislative committees by December 31, 2013, and its final findings and recommendations to the committees by July 1, 2014.

HB 936: Maryland Botanical Heritage Workgroup

Del. Shane Robinson

Establishes the Maryland Botanical Heritage Workgroup to define challenges to the preservation of plant species native to the state and region; explore opportunities for improving the preservation of native plant species; and make recommendations regarding the preservation of native plant species. The Department of Natural Resources must staff the workgroup, and the workgroup must submit a report with its findings and recommendations by December 31, 2013.

HB 1327: Commodity Assessments

Del. Charles Otto

Eliminates the requirement that an agricultural assessment levied for the promotion of the use and sale of an agricultural commodity be collected annually. Any association, council, board, or other agency fairly representative of persons engaged in the production of an agricultural commodity may apply to the Secretary of Agriculture (Secretary) for certification and approval to conduct a referendum among those persons on the question of levying an assessment and collecting and utilizing the proceeds for purposes stated in the referendum. The legislation also modifies an alternate method of collection of assessments. The provision specifies that upon the request of the certified agency that initiated the assessment, the Secretary must notify any, rather than every, person engaged in the business of purchasing any agricultural commodity in the state that the assessments must be deducted from the purchase price of the commodity. Further, the bill provides the deducted assessments must be remitted by a purchaser directly to the certified agency, as directed by the Secretary, rather than being remitted to the Secretary and then paid by the Secretary to the certified agency. In addition, the legislation authorizes a certified agency to initiate judicial proceedings in circuit court if a purchaser fails to remit a deducted assessment. Finally, the bill requires that the books and records of a purchaser of any agricultural commodity be open for inspection by the certified agency at any time during regular business hours.

HB 1482/SB 1031: Damage of Domestic Animals during Hunting

Del. Rudolph Cane and Sen. Richard Colburn

Prohibits a person engaged in hunting or pursuing wildlife from intentionally or willfully destroying or damaging a domesticated animal that is within a safety zone.



SB 281: Firearm Safety Act of 2013

Senate President Thomas V. Mike Miller, Jr.

States that a person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of any school during school hours or at a time when a school-approved activity is taking place.

Reorganization and Coordination**HB 353: Land Surveyors Exam**

Del. Derrick Davis

Removes the reference to the “written” engineering examinations that individuals must pass in order to be licensed by the State Board for Professional Engineers. Beginning in 2014, the national organization that administers exams for professional engineers and professional land surveyors will only administer the exams on computers. This legislation allows the computer-based delivery of exams, codifies the State Board for Professional Land Surveyors’ practice of requiring applicants to pass state-specific exam sections, and increases the required years of experience from four to eight for an individual who does not have a college degree but who passes specified exams. The legislation authorizes alternative means of delivering exam results, alters the process for an applicant to review a failed exam, and clarifies the reexamination process, which is based on the national organization’s policies.

HB 650: Payment of Prevailing Wage for Public Works Contracts

Montgomery County Delegation and Prince George's County Delegation

Requires the payment of prevailing wages on any public works contract entered into by Washington Suburban Sanitary Commission that has a contract value of at least \$500,000, regardless of funding source.

SB 62: Sustainable Community Plan Applications

Sen. Joan Conway

Authorizes a political subdivision to approve an application for a sustainable community plan or community legacy project by delivery of a letter to the Department of Housing and Community Development (DHCD) as an optional alternative to a resolution. The Community Legacy Program (Program) under DHCD was established by Chapter 567 of 2001 to create a process and funding source for several types of revitalization projects. The Program provides local governments and community development organizations with financial assistance to strengthen communities through such activities as business retention and attraction, encouraging homeownership, and commercial revitalization. Program funds are restricted to designated sustainable communities.

SB 280: Landscape Architect Licensure

Sen. Joan Conway

Requires the State Board of Examiners of Landscape Architects to establish, by regulation, continuing professional competency requirements for licensed landscape architects. Licensees must complete at least 24 hours of professional development activities as a condition of each license renewal, except for the first renewal. The requirement is phased in for licensees whose license expires before October 1, 2016.



Solid Waste

HB 184/SB 484: Oyster Shell Recycling Tax Credit

Del. Stephen Lafferty and Sen. Roy Dyson

Creates a nonrefundable tax credit against the state income tax equal to \$1 for each bushel of oyster shells recycled during the taxable year, not to exceed \$750. The program terminates on June 30, 2018.

HB 1440: Composting

Del. Maggie McIntosh

Requires the Maryland Department of the Environment to adopt regulations governing the permitting and operation of composting facilities and prohibits a person from operating a composting facility that is not in accordance with the regulations or any permit or order issued under the composting laws in Title 9 of the Environment Article. The legislation alters several definitions accordingly, in order to treat compost and composting separately from the regulation of solid waste. Finally, the bill provides for the enforcement of state composting laws and regulations through existing enforcement provisions in the water pollution control subtitle of the Environment Article.

SB 1049: Recycling Act Exemptions in Ocean City

Sen. James Mathias

Exempts a property owner or manager of an apartment building or a council of unit owners of a condominium in Ocean City from the recycling requirements of Chapters 191 and 192 of the Maryland Recycling Act in recognition of several unique challenges particular to the Town of Ocean City.

Water Quality and Pollution Control

HB 97: Stormwater Management and Sediment Control Plans

Environmental Matters Delegation

Establishes a process of self-certification with the State Highway Administration, the Department of General Services, or any other state or federal agency that seeks to serve as an approval authority for erosion and sediment control and stormwater management plans. This legislation allows the Maryland Department of the Environment to reallocate staff resources for oversight and implementation of higher priority state and federal water pollution control programs, such as triennial reviews of local stormwater management programs, review of municipal Separate Storm Sewer System permits, and implementation of the federal Chesapeake Bay total maximum daily load requirements.

HB 640: Sewage Leaks

Montgomery County Delegation and Prince George's County Delegation

Requires the Washington Suburban Sanitary Commission, within 24 hours of the discovery of a leak in a sanitary sewer line, pipe, or fixture that is connected to the sanitary sewer system, to: (1) notify the county and any municipality in which the sewage leak is located about the sewage leak and the Commission's intended action concerning the sewage leak; and (2) include on its website notice to the general public about the sewage leak and the phone number for obtaining additional information from



the Commission. WSSC is required to adopt regulations to implement the provisions of the bill.

HB 641: Drinking Water Testing

Montgomery County Delegation and Prince George's County Delegation

Requires the Washington Suburban Sanitary Commission to conduct quarterly testing of drinking water for unregulated contaminants included in specified federal regulations. Within 30 days of receiving results that indicate the presence of a contaminant, WSSC must report the results to the county executives of Montgomery County and Prince George's County and publish the results on the WSSC website.

HB 642: Sewage Leak Notices at Waterways

Montgomery County Delegation and Prince George's County Delegation

Requires the Washington Suburban Sanitary Commission, within 24 hours after a leak is reported, to post warning signs at each public access point to a waterway that becomes contaminated by a leak in a sanitary sewer line, pipe, or fixture that is connected to the sanitary sewer system. A posted warning sign must include the source and date of discovery of the leak and contact information, including a telephone number, for the general public to obtain additional information from the Commission. WSSC must post the warning signs downstream from the leak in accordance with regulations adopted by the Commission and is not required to post any warning sign upstream from the leak. A public access point includes a parking lot, picnic area, boat launching ramp, or a park.

HB 776: Silt and Erosion Control Plans in the Severn River Watershed

Del. Barbara Frush

Authorizes a professional land surveyor or a licensed landscape architect, in lieu of a professional engineer, to certify the adequacy of a developer's plan to control silt and erosion within the Severn River Watershed.

SB 302: Sewage Overflow into the Chesapeake Bay

Sen. Barry Glassman

Requires the Maryland Department of the Environment to annually publish on its website the total amount of sewage overflow, in gallons, from sewerage systems into the Chesapeake Bay and its tributaries during the previous year, as well as the fines collected as a result of enforcement actions undertaken based on the overflows.

SB 575: Maryland Clean Water Fund

Sen. Bryan Simonaire

Requires the Maryland Department of the Environment to report to the General Assembly each year on the status of the Maryland Clean Water Fund and give a detailed description of the sources of revenues and uses of expenditures from the fund. The Maryland Clean Water Fund consists of all application fees, permit fees, renewal fees, funds, and civil and administrative penalties collected under certain state water pollution control laws. MDE must use the fund for certain activities specified in statute and, in determining the use of money from the fund, priority must be given to activities relating to the water quality of the Chesapeake Bay and its tributaries.







MISSISSIPPI

Energy Legislation

Emergency Management and Homeland Security

SB 2528: Government Contractors

Sen. Brice Wiggins

Requires contractors who submit bids on public work projects that use funds received by governmental entities resulting from a federally declared disaster or a spill of national significance to certify that they will comply with employment plan requirements and submit a plan within seven days after the award of a contract. The bill prohibits the contractor and any subcontractor from filling vacant positions necessary for the public works project except with residents of Mississippi who are verified by the Mississippi Department of Employment Security (DES) or those qualified persons who are submitted by the Mississippi DES. The contract shall be vacated if the contractor fails to comply with these requirements.

Energy Efficiency

HB 488: Forest Products Used in Sustainable Buildings

Rep. Thomas Reynolds

Provides that sustainable building rating systems used for state-funded buildings may not exclude certificate credits for forest products certified by the Sustainable Forestry Initiative, Forest Stewardship Council or the American Tree Farm System.

HB 1266: Enhanced Building Codes for State Buildings

Rep. Angela Cockerham

Revises the standards that major facility projects overseen by the Department of Finance and Administration (DFA) are required to meet during design and construction. Specifically, the projects are to be designed and constructed to meet or exceed the requirements of the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) 90.1-2010 Standard or any more stringent code adopted by the Bureau of Building, Grounds and Real Property Management and the Department of Finance and Administration. Previously, the projects had to be designed using energy conservation guides in a certain percentage range that were adopted by DFA if DFA determined that it would be cost-effective.

HB 1281: Commercial Building Energy Codes

Rep. Angela Cockerham

Requires the Mississippi Development Authority (MDA) to review, amend, and adopt, in accordance with Standard 90.1-2010 of the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE), energy code standards for building construction for primarily commercial buildings. Previously, MDA was required to



develop efficient use of energy standards based on certain federal standards. Next, the bill clarifies that MDA shall not have enforcement over energy efficiency standards for the buildings but such enforcement lies with the local governing authorities. Finally, the measure increased the inspection fee from \$50 to \$150 that local governing authorities may establish for the inspection of certain energy efficiency standards.

Natural Gas and Petroleum

HB 841: Sales Tax on Energy Used for Enhanced Oil Recovery and for Permanent Sequestration of Carbon Dioxide

Rep. Jeffrey Smith

Provides that the sale of electricity, current, power, steam, coal, natural gas, liquefied petroleum gas or other fuel to a producer of oil and gas for use directly in enhanced oil recovery (EOR) using carbon dioxide or the permanent sequestration of carbon dioxide in a geological formation will be taxed at the rate of 1.5 percent.

HB 1161: Petroleum Products Inspection Law

Rep. Mark Forby

Extends the repealer to July 1, 2016, on the definitions and certain rules and regulations of the Petroleum Products Inspections Law of Mississippi. Also, the bill extends the repealer to July 1, 2016, on the penalty provision of the law.

HB 1698: Severance Taxes

Rep. Angela Cockerham

Reduces the severance tax to 1.30 percent for oil and gas extracted from horizontally drilled wells for a period of 30 months or until payout of the well. The legislation applies to all qualified horizontally drilled wells between July 1, 2013, and June 30, 2018.

SB 2847: Fuel Taxes for New Commercial Airlines

Sen. Dean Kirby

Exempts from excise taxation, for a period of 12 months after the date service is established, special fuel sold to be consumed as fuel by planes used by a commercial airline for new interstate air service offered by a new carrier in the market; interstate service to a new city by an existing airline; or additional interstate service to a city already served by a commercial airline.

SR 3: TransCanada Keystone XL Pipeline Resolution

Sen. Terry Brown

Urges the U.S. Department of State to approve the Presidential Permit application allowing the construction and operation of the TransCanada Keystone XL Pipeline between the United States and Canada; to strengthen United States energy security; to provide for critical pipeline infrastructure to achieve North American energy independence; and to stimulate the economy and create jobs.



Reorganization and Coordination

HB 826: Strengthening Mississippi Academic Research Through Business Act

Rep. Jeffrey Smith

Creates the Strengthening Mississippi Academic Research Through Business Act. This legislation defrays the research and development costs for companies that operate in the state and partner with a state institution of higher learning. Under this measure, a corporation that collaborates with a state university for research and development purposes, including energy related research is eligible for a 25 percent rebate of total research costs.

HB 1296: Mississippi Energy Sustainability and Development Act

Rep. Angela Cockerham

Creates the Mississippi Energy Sustainability and Development Act. The bill names the Mississippi Development Authority as the agency responsible for evaluating the state's energy needs as well as energy availability.

The legislation declares the powers and duties of the MDA Energy and Natural Resources Division (ENR) which are:

- Promoting the state as a leader in energy development, job creation, and research;
- Contributing to energy-related economic development;
- Promoting energy efficiency;
- Preparing a Mississippi Energy Plan and State Energy Management Plan;
- Developing strategic plans;
- Collecting and analyzing energy-related data for the purposes of development;
- Promoting renewable energy opportunities; and
- Serving as the State Energy Office for the State of Mississippi.

HB 1296 requires, if needed, for MDA ENR to establish a state program to administer the State Petroleum Set-Aside Program and to provide assistance in obtaining adjustments specified in orders issued by the federal energy office.

The legislation provides the specifics of what must be addressed in the Mississippi Energy Plan which include:

- Efforts to promote the state as a leader in energy development, job creation, and research;
- Plans to encourage the safe and responsible exploration and extraction of the state's natural resources;
- Plans to add value and sustain resources through advances in manufacturing, conversion, and processing;
- Expanding energy capacity and realizing savings through energy efficiency;
- Encouraging investing in energy infrastructure;



- Plans to ensure the state's competitiveness in energy-related research, development, and commercialization;
- Preparing a 21st Century energy workforce; and
- Statewide forecasts of energy needs and deficiencies.

HB 1296 tasks MDA ENR with the development of the State Energy Management Plan for state-owned and operated facilities in coordination with Department of Finance and Administration Bureau of Building, Grounds and Real Property Management. The plan must include the following:

- A gathering of energy-related data from state agencies, state institutions of higher learning, and community and junior colleges;
- Benchmarking of energy consumption and costs; and
- Use of a central system to aggregate and track energy consumption data.

The State Energy Management Plan also must include establishing an advisory board that is comprised of designees from the following: Board of Trustees of State Institutions of Higher Learning, the Community College Board, the Department of Education, and DFA, which shall assist in the development of the plan. The bill also requires all state agencies with buildings on the DFA inventory of bundling as well as institutions of higher learning and community and junior colleges (also known as covered entities) to submit certain energy consumption data. Funding for certain energy conservation funds may not be received if a covered entity does not make the required submission and if MDA ENR determines such ineligibility.

Additionally, the bill provides that by September 1 of each year MDA ENR shall report the energy consumption of covered entities to the legislature and the Governor. The legislation also requires covered entities to submit a detailed energy management plan to MDA ENR by November 1, 2014, and every subsequent five years.

The bill also modifies the Energy Development Fund to allow existing funds to be used to promote the state's energy sources. Further, MDA ENR must provide technical assistance to the Mississippi Department of Education so that the Department can assist local school districts in developing a detailed energy management plan for school districts.

Finally, the statute requires MDA ENR to compile, analyze, and disseminate data related to energy resources within the state, including, but not limited to, biomass feed stocks, energy infrastructures, and energy production capacity, and it requires MDA ENR to prepare and produce a white paper and other documents designed to promote Mississippi as a leader in the energy sector.

SB 2564: Energy Infrastructure Revolving Loan Fund

Sen. Terry Burton

Revises the Energy Infrastructure Revolving Loan Program. The legislation gives communities the ability to help finance energy infrastructure, i.e., gas lines and transmission lines, for companies that invest more than \$50 million in an economic



development project. This law provides the state a new low-interest financing tool to help companies locate or expand in Mississippi.

SB 2567: Extension of the Public Service Commission

Sen. Terry Burton

Extends the repealer until December 31, 2016, on the provisions of law that create the Public Service Commission (PSC) and prescribe its powers and duties. The bill also extends the repealer until July 1, 2016, on the section which authorizes the Commission and the public utilities staff to hire attorneys and consultants for certain proceedings.

Utilities

HB 524: Electric Utilities in State Parks

Rep. Scott Bounds

Allows the Mississippi Department of Wildlife, Fisheries and Parks (Department) to contract with the electric public utility with a certificate of public convenience and necessity to serve the area where a state park is located for the transfer of ownership of the electrical infrastructure in the state park to that electric public utility. If the electric public utility enters into an agreement for the operation and maintenance of electrical facilities in a state park, the electric public utility may perform any upgrades to the electrical infrastructure of the park that are necessary for the electrical infrastructure to be in compliance with the electric public utility standards. The electric public utility may assess the costs of the upgrades to the Department upon the terms and conditions agreed to by the Department and the electric public utility. The Department may contract with the electric public utility with the certificate of public convenience and necessity to serve the area for the erection, construction, maintenance, operation and control of electric distribution substations, electric transmission lines, electrical appurtenances, electrical appliances, or electrical equipment necessary or useful in the operation or distribution of electric power or energy in the state park. Any agreement entered into by the Department and an electric public utility under this subsection is exempt from the public purchasing requirements.

HB 844: Sales Tax Exemption of Energy Used in Manufacturing, Food Production and Fishing

Rep. Jeffrey Smith

Provides a sales tax exemption for electricity, current, power, steam, coal, natural gas, liquefied petroleum gas, or other fuel to:

- A manufacturer, custom processor, technology intensive enterprise, or public service company for industrial purposes, which include that used to generate electricity, to operate an electrical distribution or transmission system, to operate pipeline compressor or pumping stations, or to operate railroad locomotives;
- A producer or processor for use directly in the production of poultry or poultry products, the production of livestock and livestock products, the production of domesticated fish and domesticated fish products, the production of marine aquaculture products, the production of plants or food by commercial



horticulturists, the processing of milk and milk products, the processing of poultry and livestock feed, and the irrigation of farm crops; and

- A commercial fisherman, shrimper, or oysterman.

HB 894: Multiyear New Generation Rate Recovery Plan

Rep. Jim Beckett

Authorizes the Public Service Commission to approve a multiyear new generation rate recovery plan, also known as a “rate mitigation plan” pertaining to the alternate method of cost recovery on certain base load generation. Before approving a rate mitigation plan that is submitted by a generating facility that is owned, in whole or in part, by an electric public utility whose rates are under the jurisdiction of the PSC, the PSC:

- Must include a finding establishing the initially approved rate base;
- Is required to consider and evaluate the revenues, costs, rate base and returns applicable over the entire rate mitigation period; and
- Shall, for the rate mitigation period, allow recovery of a return, not to exceed the weighted cost of capital rate of return approved in the rate mitigation plan, on the balance of any unrecovered or deferred amounts accrued pursuant to the rate mitigation plan for the account of either the electric public utility or the electric public utility's retail customers during the rate mitigation period.

HB 1134: Public Utility Rate Mitigation and Reduction Act

Rep. Jim Beckett

Creates the Mississippi Public Utility Rate Mitigation and Reduction Act. The purpose of the legislation is to provide a method whereby the Public Service Commission must enter a financing order that authorizes the issuance of rate reduction bonds by an electric public utility. The proceeds of the rate reduction bonds are required to be used to recover, finance, or refinance generation facility costs and financing costs for certain newly constructed base load electric generating facilities that use coal gasification or clean coal technology. The bill further provides for the implementation or adjustment of a rate reduction bond charge, and it also provides that the rate reduction bonds shall not constitute a debt or a pledge of the faith and credit or taxing power of the State of Mississippi.

HB 1519: Municipal Utility Meters

Rep. Edward Blackmon

Authorizes governing authorities of a municipality to prosecute within the municipality when meter tampering occurs on municipal owned utility meters that lie outside the municipal boundaries.

SB 2231: Municipal Utility Ratemaking

Sen. Terry Brown

Removes the authority of the Public Service Commission to regulate the rates of utilities when more than one utility, including cooperatives, operate within a municipality.



SB 2839: Tunica County Natural Gas Services

Sen. Robert Jackson

Provides that Tunica County may enter into contracts to fund capital costs to extend natural gas services.

SB 2926: Sebastopol Natural Gas District

Sen. Giles Ward

Revises the boundaries and authorizes sale of bonds for Sebastopol Natural Gas District.







MISSISSIPPI

Environmental Legislation

Coastal Zone Management

HB 129: Design-Build Contracting Method Repealer

Rep. Mark Formby

Extends the repealer to use the design-build method of contracting to July 1, 2016, for the State Port Authority at Gulfport.

HB 1072: Mississippi Territorial Waters

Rep. Casey Eure

Establishes that the limits and boundaries of the territorial waters of the State of Mississippi consist of all territory included within the boundaries described in the Act of Congress of March 1, 1817, together with all territory ceded to the State of Mississippi by later Acts of Congress or by compacts or agreements with other states, as such territory and boundaries may have been or may be modified by the U.S. Supreme Court which extends three miles of Cat Island, Ship Island, Horn Island and Petit Bois Island offshore to three Marine Leagues.

HB 1216: Commission on Marine Resources

Rep. Casey Eure

Authorizes the state to assent to the provisions of the federal Pittman-Robertson Wildlife Restoration Act and the federal Dingell-Johnson Sport Fish Restoration Act. The bill also requires the Commission on Marine Resources to perform any acts as may be necessary to ensure the conservation of fish and marine life and provides that revenue from saltwater license sales shall be controlled only by the Department of Marine Resources and used only when exercising responsibilities specific to the management of the state's fish and marine resources for which the Department has authority under state law.

SB 2580: Shellfish Sanitation

Sen. Bryce Wiggins

Authorizes the Commission on Marine Resources to require, in addition to other licensing conditions, the successful completion of educational or training programs on shellfish sanitation as a prerequisite to receiving commercial licenses in order to ensure compliance with the Interstate Shellfish Sanitation Conference's educational requirements for shellfish processors, dealers, and harvesters by January 1, 2014.



Environmental Health Services

SB 2511: Syrup Labeling Requirements

Sen. Billy Hudson

Revises and recodifies syrup labeling requirements. This legislation clarifies that it is unlawful to sell any product as “pure syrup” if it does not meet the minimum requirements established by the Mississippi Department of Agriculture and Commerce. Ingredients must be listed on labels in descending order of predominance of weight. This bill provides administrative penalties for violations of syrup labeling requirements and an appeal process from the administrative penalties. A new code section is created to require distributors to keep a record of the name and addresses of the manufacturers whose syrup they distribute for three years and to provide that information to the commissioner when investigating the source of adulterated syrup or syrup products.

SB 2513: Labeling of Catfish

Sen. Bill Hudson

Requires all fish products as defined in the state Catfish Marketing Law to be subject to the same labeling requirements as United States catfish. Other fish products often labeled “catfish” include basa imported from overseas.

SB 2553: Cottage Food

Sen. Angela Hill

Exempts small cottage food operations with annual gross sales of less than \$20,000 from certain permitting requirements of the Mississippi Department of Health. A cottage food operator is prohibited from selling cottage food products over the Internet, by mail order, or to wholesale and retail establishments. Cottage food products are nonpotentially hazardous food products as defined by the Department of Health. Cottage food products which are prepackaged must meet certain labeling requirements and have printed on the label that the cottage food operation is not subject to State Food Safety Regulation. The Department of Health is authorized to inspect the premises of a cottage food operation only if a complaint is filed.

SB 2688: Lead Paint

Sen. Tommy Gollott

Provides compliance with federal lead paint remediation requirements by removing the provision that allowed the owner of a home to opt out of lead-based renovation requirements if the owner signed a statement that children and pregnant women were not living at the home.

SB 2769: Anemometer Towers

Sen. Willie Simmons

Extends the repealer until July 1, 2017, on the safety marking requirements for anemometer towers.



Inland Water Resource Management and Conservation

HB 1002: Fishing Licenses

Rep. Scott Bounds

Replaces the resident freshwater fishing license with a combination small game hunting and fishing license. The fee remains at \$8.00. The change allows the Department of Wildlife, Fisheries and Parks to receive federal funds for hunting as well as fishing for each license sold. Residents fishing in privately owned lakes or ponds with specific permission to do so from the owners are exempt from the licensing requirements, except when the owner charges a fee for fishing, then a license is required. July 4 is designated as “Free Fishing Day” allowing any person to fish without a license on “Free Fishing Day.”

Under this legislation, the Department is no longer required to provide tags for certain commercial fishing equipment. The licensee is required to tag each piece of commercial fishing equipment with a waterproof or metal tag containing any information required by the Department. This bill also reduces the minimum size of the slot opening in slat baskets from 1-1/2 inches to 1-1/4 inches, and requires a \$30 fee for a slat basket license. Slat baskets must have a waterproof or metal tag attached to it containing any information required by the Department.

This bill clarifies and expands the powers of the Commission on Wildlife, Fisheries and Parks to regulate nonresident freshwater commercial fishing by prescribing regulations for nonresident commercial fishing equipment, tagging requirements, harvest size and possession restrictions, restricted areas, fishing restrictions, reporting requirements, wholesale dealers, and the selling, reselling, and exporting of fish taken in the public freshwaters of the state.

Finally, HB 1002 requires nonresident wholesale dealers who buy nongame gross fish in the state for the purpose of resale to purchase a nonresident commercial fishing license. Additionally, any nonresident who imports nongame gross fish into the state for the purpose of resale to a wholesale or retail dealer or to a consumer is required to purchase a nonresident commercial fishing license.

SB 2322: Water and Sewer Utilities

Sen. Perry Lee

Provides that the Public Service Commission will not have jurisdiction over, attempt to regulate, or otherwise interfere with the governance, management, or other internal affairs of public utilities that provide water or sewer disposal services. SB 2322 provides that a member of a member-owned rural water association shall have the right to attend meetings of the association and shall receive written notice of any meeting at which an election of board members will occur.

SB 2392: City of Drew Water System

Sen. Willie Simmons

Authorizes the expansion of the water distribution system to areas more than five miles outside of the Drew city limits.



SB 2764: Rankin-Hinds Pearl River Flood and Drainage Control District

Sen. Josh Harkins

Makes technical revisions to the urban flood control law providing for the establishment of the Rankin-Hinds Pearl River Flood and Drainage Control District (District). The District must make its purchases pursuant to state purchasing laws. The status of the District is clarified as a political subdivision and sand and gravel are not classified as minerals. This legislation deletes the requirement that directors reside or be a property owner in the District. The District must let construction contracts pursuant to state purchasing and bid laws. Any bonds issued will be revenue bonds and this measure requires referendums on the issuance of revenue bonds.

Land Management and Conservation

HB 102: Wounded Warrior Special Programs

Rep. Bobby Moak

Authorizes the Commission on Wildlife, Fisheries and Parks to designate areas or special seasons within wildlife management areas and wildlife refuges for hunting, fishing, and other recreational activities for eligible veterans and active duty service members to be known as “Wounded Warrior Special Programs.” The bill allows a person to assist an eligible veteran or service member in those activities. It also authorizes the Commission to adopt the necessary rules and regulations for the administration of the Act.

HB 178: Livestock Theft

Rep. Dennis DeBar, Jr.

Revises the crime of theft of livestock to include the knowing and willful stealing or carrying away of livestock of any value as larceny.

HB 751: Seed Laws

Rep. Preston Sullivan

Removes the notarization requirement on quarterly reports by the Bureau of Plant Industry provided to the Department of Agriculture and Commerce covering the total pounds of all sales of seed subject to the fee and sold during the preceding quarter. Also, this legislation increases the penalty imposed for violations of the seed law from a fine of not less than \$100 and not more than \$500 to not more than \$1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. Under this bill, individuals charged with a violation may have an administrative hearing by the Bureau of Plant Industry and the person will be administratively and civilly liable for penalties if found guilty.

HB 1001: Combined Small Game and Fishing Licenses

Rep. Scott Bounds

Reduces the fee for a combined small game and fishing license from \$13 to \$8 in an effort to increase the number of hunters. The legislation also provides it is unlawful for any person born on or after January 1, 1972, to hunt with a resident combination small game hunting and fishing license, unless the person has been issued certification of



satisfactory completion of a hunter education course approved by the Department of Wildlife, Fisheries and Parks.

HB 1139: Deer Hunting with Primitive Weapons

Rep. Scott Bounds

Authorizes the taking of deer during any open season on deer with primitive weapons after November 30, and that a person may use any legal weapon of choice on private lands only, if the person is the title owner of the land; the lessee of the hunting rights on the land; a member of a hunting club leasing the hunting rights on the land; or a guest of the owner, lessee, or the member. If the person is required to have a hunting license, the person must have a primitive weapon license, sportsman's license, or a lifetime sportsman's license.

HB 1260: Addition of Wild Hogs to Beaver Control Program

Rep. Scott Bounds

Adds wild hogs to the State Beaver Control Program. The program will now be managed by the Beaver and Wild Hog Control Advisory Board (Board). This bill amends the composition of the Board to include the Chairmen of the House and Senate Agriculture Committees as non-voting members. The Board will have the authority to develop any programs and implement any regulations and policies it deems necessary to address beaver and wild hog control within the state. State funds may be expended for wild hog control only by a specific line-item appropriation by the legislature for that purpose under the program.

SB 2436: Emerging Crops Fund

Sen. Billy Hudson

Removes the reversionary language provisions for agribusiness enterprises engaged in poultry production and states that the maximum aggregate amount of loans made under this provision to any one agribusiness cannot exceed \$400,000. The Mississippi Development Authority administers one of the many programs in the Emerging Crops Fund that provides loans to agribusiness or greenhouse horticulture enterprises to encourage the extension of conventional financing to these enterprises. The loans cannot exceed 20 percent of the project for which the financing is sought or \$200,000, whichever is less. Prior to 2011, this program also included separate loan provisions that authorized MDA to make loans to agribusiness enterprise engaged in poultry production operations for upgrades, renovations, repairs, and other improvements to their equipment not to exceed \$200,000 and the amount of a loan for the retrofitting of poultry houses could not exceed 30 percent of the cost of the project.

SB 2700: Deer Island Acquisition, Reclamation and Preservation Fund

Sen. Brice Biggins

Provides that the accounting can be made by the Secretary of State five years after the effective date of this legislation for the money in the Deer Island Acquisition, Reclamation and Preservation Fund (Fund). The bill also allows money in the Fund to be utilized for the acquisition, reclamation, and preservation of Cat Island.



During the 2002 Regular Session, general obligation bonds in the amount of \$10,000,000 were authorized to be issued for the purpose of paying the costs of acquisition, reclamation, and preservation of Deer Island. The bonds were issued and placed in the Deer Island Acquisition, Reclamation and Preservation Fund. The law that establishes the Fund provides that if money in the Fund is not used within five years after the date the proceeds of the bonds are deposited into the Fund, the Secretary of State must provide an accounting of the unused money to the State Bond Commission and the money will be used to pay the debt service on the bonds.

SB 2048: Bow and Primitive Weapon Hunting

Sen. Giles Ward

Provides that any person who is exempt from having a hunting license and any person licensed to hunt deer with a bow or primitive weapon may hunt with a crossbow or bow and arrow during any open season on deer, turkey, or small game.

Reorganization and Coordination

HB 750: Hancock County Port and Harbor Commission

Rep. Alex Monsour

Increases from two to three the number of members that are appointed from municipalities by the Governor to the Hancock County Port and Harbor Commission. The third member is appointed from the recently incorporated City of Diamondhead.

HB 1719: Hancock County Regional Solid Waste Authority

Rep. David Baria

Authorizes the Hancock County Regional Solid Waste Authority to change its fiscal year from the period of July 1 to June 30 of each year to October 1 to September 30 of each year. The authority also is authorized to operate one short fiscal year lasting from June 30, 2013, to September 30, 2013, in order to effectively and proficiently transition into the new fiscal year. The Board of the Hancock County Regional Solid Waste Authority must prepare a budget for the authority for each fiscal year at least 90 days before the beginning of each fiscal year, which shall be from October 1 to June 30 of each year, and shall submit such budget to the governing body of each member.

Solid Waste

SB 2754: Certified Electronics Recyclers

Sen. Chris Massey

Requires the Mississippi Department of Environmental Quality to maintain a directory of certified electronic recyclers of e-waste that meet national accreditation standards. State agencies are required to use certified e-waste recyclers in the directory when disposing agency electronics. The compliance date for the Department and agencies is July 1, 2014. The bill does not apply to donations of electronics to public schools, state agencies, local governments, and nonprofit organizations.





MISSOURI

Energy Legislation

Alternative Energy Development

HB 142: Solar Rebates

Rep. Tony Dugger

Modifies the solar rebate requirement for electric utilities. Solar rebates are capped at 1 percent of the average retail rate increase ignoring a utility's own investment in solar related projects. Utilities must file to suspend a rate tariff based on the rebate cap 60 days prior to the change taking effect. Solar rebates are set at \$2 per watt for systems operational on or before June 20, 2014, and decreases annually as specified in the bill until the rebates are phased out after June 30, 2020. In exchange for a rebate, customers transfer ownership of all renewable energy credits to the utility for a period of 10 years from the date the system is verified as operational. Solar rebate expenses incurred while a tariff filing is under consideration by the Missouri Public Service Commission (PSC) must be considered prudently incurred costs that a utility may recover outside a normal rate case. The PSC may establish rules to enforce the new solar rebate, tariff, and recovery requirements of these provisions. The bill does not modify the energy portfolio requirements.

SB 51: Alternative Fuels

Sen. Brian Munzlinger

Modifies several provisions relating to the regulation of alternative fuels. This measure prohibits a county building ordinance adopted by a first or second classification county building commission from conflicting with the liquefied petroleum (LP) gas installation regulations. This act reauthorizes, beginning January 1, 2014, but ending before January 1, 2017, the tax credit for alternative fuel stations and specifies that alternative fuels must have at least 70 percent by volume of one or more of ethanol, biodiesel, LP, autogas, hydrogen, or natural gas based fuels. The credit may be carried forward for up to two years or it may be transferred, assigned, or sold. The alternative fuel station tax credit is capped at \$1 million annually. This bill adds stationary property used for generation, transportation, or storage of liquid and gaseous products including petroleum products, natural gas, propane, LP gas, solar and wind power equipment, water, and sewage to the definition of "real property" for property taxation purposes.

Coal and Minerals

HB 28/HB 650: Surface Mining

Rep. Donna Lichtenegger and Rep. Robert Ross

Extends from December 31, 2013, to December 31, 2018, the industrial mineral permit fees utilized to regulate and ensure reclamation of surfaced mined lands. These bills allow an applicant for multiple permits or certifications to directly petition the



Department of Natural Resources (DNR) director for a unified permit schedule and to obtain the permits or certifications in a coordinated and streamlined process. The DNR director must develop and implement a procedure to coordinate the processing of multiple environmental permits, certifications, or permit modifications from a single applicant. These measures require, by December 1, 2013, and annually thereafter, the DNR to develop a list of all documents it uses to implement enforcement actions or penalties that have not been established in statute or by rule. The DNR must provide the list and all documents referenced to the Joint Committee on Administrative Rules within the General Assembly for a review, in consultation with the DNR, to determine if the documents should be subject to the rulemaking process.

HB 650: Hard Rock Mining

Rep. Robert Ross

Specifies that in all civil actions involving claims arising from the ownership, maintenance, management, or control of underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975, or arising from chat or tailings generated at those sites, brought against a person or entity alleged to have owned, maintained, managed, or controlled the sites, chat, or tailings at any time, the person or entity must be exempt from punitive or exemplary damages to all claims related in any way to the ownership, maintenance, management, or control of the sites, chat, or tailings, as long as the person or entity or its employee, agent, owner, parent, subsidiary, or any related company has made or is making good faith efforts to remediate the sites. Any evidence may be introduced to demonstrate good faith efforts, including substantial compliance with an order or permit issued by or negotiated with the state or the United States concerning remediation or closure. The total of any awards of punitive or exemplary damages against a hard rock mining or milling site must not exceed \$2.5 million in the aggregate to all defendants in the civil action. One-half of any award for punitive or exemplary damages must be paid into the Missouri Lead Abatement Loan Fund. Nothing in this bill can be construed as precluding any party from pursuing compensatory damages, including claims for natural resource damages.

Emergency Management and Homeland Security

HB 1035: Rebuild Damaged Infrastructure Program

Rep. Mike Kelley

Establishes the Rebuild Damaged Infrastructure Program to provide funding for the reconstruction, replacement, or renovation of or repair to any infrastructure damaged by a presidentially declared natural disaster including, but not limited to, the physical components of interrelated systems providing essential commodities and services to the public including transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings. On July 1, 2013, \$10 million from the Insurance Dedicated Fund and \$4 million from the Health and Educational Facilities Authority were transferred into the newly created Rebuild Damaged Infrastructure Fund to be used solely for the purposes of the program. Any moneys in excess of \$15 million in the Rebuild Damaged Infrastructure Fund must be transferred into the General Revenue Fund. On July 1, beginning with Fiscal Year 2014, \$500,000



from the Insurance-Dedicated Fund must be annually transferred into the General Revenue Fund.

Energy Efficiency

SB 142: Low-Income Exception to Tax Credit Rules

Rep. Tony Dugger

Specifies that the exclusion from eligibility in any demand-side program offered by an electrical corporation of certain tax credits will not apply to low-income programs and their participants. Prior to this bill, any customer of an electrical corporation that had received a Missouri Low-Income Housing Tax Credit or a Historic Structures Rehabilitation Tax Credit was not eligible for participation in any demand-side program offered by an electrical corporation under the Missouri Energy Efficiency Investment Act if the program offered a monetary incentive to the customer.

Natural Gas and Petroleum

HB 542: Liquefied Petroleum Gas Installations

Rep. Warren Love

Prohibits a county building ordinance from conflicting with liquefied petroleum gas installations governed by the State Propane Gas Commission.

Reorganization and Coordination

HB 432: Intervention by the Public Service Commission

Rep. Doug Funderburk

Allows the Missouri Public Service Commission to appear, participate, and intervene in any federal, state, or other administrative, regulatory, or judicial proceeding now pending or commenced after August 28, 2013.

SB 191: Electronic Publication by the Public Service Commission

Sen. John Lamping

Adds electronic form to the list of mediums of publication that the Public Service Commission may use when publishing certain papers, studies, reports, and Commission decisions, findings, and orders.

Utilities

HB 331: Public Utility Right-of-Way

Rep. Rocky Miller

Allows public utilities to have permit denials by political subdivisions heard in court if they believe a violation of existing law has occurred. Courts must act in an expedited manner by moving disputes over public right-of-way to the front of the docket. If a political subdivision does not act on a permit application within 31 days, then the application will be deemed approved. If a public utility has legally been granted access



to a political subdivision's right of way since August 28, 2001, they are not required to obtain a new permit.

This bill also addresses procedures for utilities regulated by the Public Service Commission or rural electric cooperatives, municipal utilities, and specified nonprofit electrical corporations in third classification counties, to construct a facility as specified in the bill through a railroad right-of-way. The legislation specifies that a utility must be deemed to have authorization to commence a crossing activity 30 days from the mailing of the notice, completing the engineering specifications, and payment of the fee, absent a claim of special circumstances. The utility may propose an amended crossing proposal if special circumstances exist. The land management company and the utility must maintain and repair its own property within the railroad right-of-way and bear responsibility for its own acts and omissions, except that the utility must be responsible for any bodily injury or property damage that typically would be covered under a standard railroad protective liability insurance policy. A utility must have immediate access to a crossing for repair and maintenance of existing facilities in case of emergency. Applicable engineering standards must be complied with for utility facilities crossing railroad rights-of-way. The engineering specifications must address the applicable clearance requirements as established by the National Electrical Safety Code and the American Railway Engineering and Maintenance of Way Association. Unless otherwise agreed by the parties, a utility that locates its facilities within the railroad right-of-way for a crossing, other than a crossing along a state highway, must pay the land management company a one-time standard crossing fee of \$1,500 for each crossing plus the costs associated with modifications to existing insurance contracts of the land management company. The standard crossing fee must be in lieu of any license, permit, application, plan review, or any other fees or charges to reimburse the land management company for direct expenses incurred by the land management company as a result of the crossing. The utility must also reimburse the land management company for any actual flagging expenses associated with a crossing in addition to the standard crossing fee. The provisions of the bill cannot prevent a land management company and a utility from otherwise negotiating the terms and conditions applicable to a crossing or the resolution of any disputes relating to the crossing and cannot impair the authority of a utility to secure crossing rights by easement through the exercise of the power of eminent domain. If a utility and land management company cannot agree that special circumstances exist regarding a particular crossing, the dispute must be submitted to binding arbitration in accordance with the commercial rules of arbitration in the American Arbitration Association. However, each party may also pursue relief in a court of proper jurisdiction and the winning side must be awarded attorney fees. If a dispute involves only compensation associated with a crossing, the utility may proceed with the installation of a crossing while the arbitration is pending. The bill does not modify any power of condemnation or grant the exercise of eminent domain power to any entity. The provisions of the bill apply to a crossing commenced prior to August 28, 2013, if an agreement concerning the crossing has expired or is terminated and to a crossing commenced on or after August 28, 2013.



HB 345: Municipal Pole Attachments

Rep. Mike Cierpiot

Requires municipal pole owners to set fees for pole attachments, not including wireless antennas or wireless attachments, that is just and reasonable. The rental fee will be considered just and reasonable if it is agreed on by the parties or is not more than the fee calculated based on the federal cable rate formula. Existing agreements prior to August 28, 2013, will be enforced. Voluntary arbitration is allowed and if parties cannot agree on a single arbitrator, then arbitration will be conducted by the American Arbitration Association. The fee may exceed the cable rate formula allowed if certain findings are made, or if necessary to comply with Article X of the Missouri Constitution. Attachments will be allowed to proceed while arbitration is pending. These provisions do not confer jurisdiction on the Public Service Commission to regulate fees, terms, or conditions for pole attachments.







MISSOURI

Environmental Legislation

Air Quality and Pollution Control

SB 43: Idle Control Technology

Sen. Brian Munzlinger

Increases the weight limit for idle reduction technology to 550 pounds to reflect the new maximum federal limit. Under prior law, Missouri allowed vehicles equipped with idle reduction technology to exceed the maximum gross vehicle weight limit and the axle weight limit by up to 400 pounds to compensate for the additional weight of the idle reduction technology. Under federal law, the total allowable weight exemption for idle reduction technology was recently increased to 550 pounds.

Environmental Health Services

SB 9: Animal Abuse and Trespass

Sen. David Pearce

Specifies that a person is guilty of animal abuse if a person having ownership or custody of an animal knowingly fails to provide adequate control that results in substantial harm to the animal.

Also, this act creates the crime of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve hours. The first conviction for animal trespass is an infraction punishable by a fine not to exceed two hundred dollars. The second and subsequent convictions are a Class C misdemeanor punishable by imprisonment or a fine not to exceed five hundred dollars.

Hazardous Waste and Substance Management

HB 28/ HB 650: Hazardous Waste Management

Rep. Donna Lichtenegger and Rep. Robert Ross

Extends from December 31, 2013, to December 31, 2018, the \$0.50 fee that is collected on the retail sale of a lead-acid battery as well as the fees for any generated hazardous waste.

These bills add a member with an interest in the retail petroleum industry to the Hazardous Waste Management Commission (HWMC). Currently, three of the seven members of the HWMC must be knowledgeable of and may be employed in agriculture, the waste generating industry, and the waste management industry.



These measures authorize the Department of Natural Resources director to conduct a comprehensive review, with stakeholder input, of the fee structures for the generation of hazardous waste, clean water permits, and air pollution control permits. Upon completion of the review of a fee structure, the DNR must submit proposed changes to the respective commission for its review. The HWMC must follow specified steps in adopting the recommended changes and establishing the changes into rule. These bills repeal:

- The provision requiring a hazardous waste disposal or treatment facility owner to obtain a permit before conducting post-closure activities;
- The provisions requiring a hazardous waste facility to submit a profile of the environmental and economic characteristics of the area including the extent of any air pollution, groundwater contamination, and health characteristics when applying for or renewing a hazardous waste facility permit;
- The provision requiring the department to conduct a review every five years of certain permitted hazardous waste facilities; and
- The provision that prohibits the DNR from issuing a license or permit to anyone who is determined to habitually engage in hazardous waste management practices that pose a threat to human health or the environment.

Inland Water Resource Management and Conservation

HB 28/HB650: Dam and Reservoir Safety Council

Rep. Donna Lichtenegger and Rep. Robert Ross

Requires one member of the Dam and Reservoir Safety Council within the Department of Natural Resources to be from each of the state's three congressional districts with the highest number of dams and requires the council to prepare and present an annual report to the General Assembly by December 31, 2013.

HB 28/HB 650: Multi-Purpose Water Resource Program Renewable Water Program Fund

Rep. Donna Lichtenegger and Rep. Robert Ross

Creates the Multi-Purpose Water Resource Program Renewable Water Program Fund for the purpose of providing, upon appropriation, grants and financial assistance for water supply storage treatment and water-related facilities under the Multipurpose Water Resource Act.

HB 142: Water and Sewer Corporations

Rep. Tony Dugger

Requires the Public Service Commission (PSC) to consider water and sewer corporations as a single group of public utilities for the purposes of the fiscal year assessment of the utilities to fund the expenses incurred by the PSC as reasonably attributable to the regulation of public utilities. These bills require 30 days' notice to the PSC to acquire majority ownership in small water or sewer corporations and prohibits the transfer of majority ownership without the consent of the commission. They may approve the acquisition of a small water corporation by a large water corporation based on specified criteria. For purposes of ratemaking, the commission will place the area of



the smaller water utility in a service area of the acquiring larger public water utility based on factors including geography, contiguousness, and operational factors.

Land Management and Conservation

HB 28: Burn Bans

Rep. Donna Lichtenegger

Authorizes any county to adopt, upon the determination of the State Fire Marshal that it is appropriate, orders or ordinances issuing burn bans carrying a penalty for a violation up to a Class A misdemeanor. A state agency responsible for fire management or suppression activities and a person conducting agricultural burning using best management practices will not be subject to the orders or resolutions. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket, but may not ban the explosion or ignition of other consumer fireworks.

HB 28/HB 650: Off Leash Animals in State Parks

Rep. Donna Lichtenegger and Rep. Robert Ross

Allows the Department of Natural Resources to designate an area within any state park to serve as a dog park or an off leash area for domestic household animals.

HB 28/HB 650: State Parks Earnings Fund

Rep. Donna Lichtenegger and Rep. Robert Ross

Authorizes the state treasurer to invest all of the moneys in the State Park Earnings Fund in the same manner as other state funds. Any interest earned on these investments must be credited to the fund.

HJR 11: Right to Farm Constitutional Amendment

Rep. Bill Reiboldt

Provides a proposed constitutional amendment for the November 2014 ballot stating, "That agriculture which provides food, energy, health benefits, and security is the foundation and stabilizing force of Missouri's economy. To protect this vital sector of Missouri's economy, the right of farmers and ranchers to engage in farming and ranching practices shall be forever guaranteed in this state, subject to duly authorized powers, if any, conferred by Article VI of the Constitution of Missouri."

SB 9: Foreign Land Ownership

Sen. David Pearce

Prohibits foreign businesses from owning agricultural land if the total aggregate foreign ownership of agricultural acreage in Missouri exceeds one percent of the total aggregate agricultural acreage. Such sale, transfer, or acquisition of any agricultural land must be approved by the director of the Department of Agriculture.



Reorganization and Coordination

HB 28/HB 650: Administrative Hearing Commission

Rep. Donna Lichtenegger and Rep. Robert Ross

Adds dam and reservoir safety, well installation, oil and gas, and solid waste permit-related appeals to the provisions governing the administrative appeals process and requires the Administrative Hearing Commission to render a final decision rather than a recommended decision in these cases.

HB 28/HB 650: Land Survey Program

Rep. Donna Lichtenegger and Rep. Robert Ross

Transfers all powers, duties, and functions of the Land Survey Program within DNR to the Department of Agriculture by Type 1 transfer. These bills specify that if the Land Survey Program headquarters are located in any building owned by a state agency or department, the department cannot charge any fee above the amount paid to the Office of Administration for utilization of the building and designates the building that holds the permanent headquarters of the program as the “Robert E. Myers Building.”

HB 28/HB 650: State Interagency Council for Outdoor Recreation

Rep. Donna Lichtenegger and Rep. Robert Ross

Eliminates the State Interagency Council for Outdoor Recreation and transfers the duties of the Council as well as any functions related to state parks or historic sites, recreational trails, outdoor recreation, any federal grant program under Parks and Historic Preservation, Outdoor Recreation, or any federal Land and Water Conservation Fund Act, or any other law to the Department of Natural Resources.

HB 28/HB 650: Submission of Fingerprints

Rep. Donna Lichtenegger and Rep. Robert Ross

Authorizes the Department of Natural Resources to submit fingerprints to the State Highway Patrol for the purpose of checking the criminal history of a person seeking employment or the issuance or renewal of a license, permit, certificate, or registration of authority.

HB 142: Bond Issuance

Rep. Tony Dugger

Clarifies the provision that the governing bodies of contracting municipalities may vote to issue municipal bonds. Three-fourths of the governing bodies must agree to issue bonds.

Solid Waste

HB 28/HB 650: Joint Committee on Solid Waste Management District Operations

Rep. Donna Lichtenegger and Rep. Robert Ross

Establishes the Joint Committee on Solid Waste Management District Operations within the General Assembly to examine solid waste management district operations, including the efficiency, efficacy, and reasonableness of costs and expenses of the



districts to state taxpayers. The committee must prepare a final report to the General Assembly by December 31, 2013.

HB 28/ HB 650: Waste Processing Disclosures

Rep. Donna Lichtenegger and Rep. Robert Ross

Revises the definition of “disclosure statement” as it relates to a commercial waste processing facility or a solid waste disposal area to mean a sworn statement or affirmation in the form as may be required by the Department of Natural Resources director and specify the information that must be included in the statement. The definition of “person” is revised to include a limited liability company, trust, or any other legal entity. These bills define “key personnel” as it relates to a commercial waste processing facility or a solid waste disposal area as the applicant and any person employed by the applicant who is empowered to make discretionary decisions regarding the solid waste operations of the applicant in Missouri or if the applicant has not previously conducted solid waste operations in the state, any officer, director, partner, or any holder of at least 7 percent of the equity or debt of the applicant. Key personnel also includes the chief executive officer of any state or federal agency or political subdivision, and any entity that operates a landfill or a facility for the collection, transfer, treatment, processing, storage, or disposal of nonhazardous solid waste under a contract with or for one of these governmental entities.

These bills repeal the provisions regarding the filing of a disclosure statement by an applicant for a commercial waste processing facility or a solid waste disposal area permit or a renewal and require an applicant to file a disclosure statement at the time the application for a permit is filed with the DNR. The pieces of legislation require, upon request from the DNR director, a permit applicant, any person that could reasonably be expected to be involved in the management activities of the solid waste disposal area or solid waste processing facility, or anyone with a controlling interest in a permittee to submit to a criminal background check.

Additionally, these measures require anyone who must file a disclosure statement to provide any assistance or information requested by the DNR director or the State Highway Patrol and to cooperate in any investigation or hearing conducted by the director. If the person does not cooperate or provide information, the permit may be denied or revoked. An applicant must submit any additional information or change in information to the DNR director within 30 days after the change or addition. Failure to provide the information may result in revocation, denial, or conditional granting of the permit if the DNR director notifies the permittee or applicant of his intention to do so. The bill specifies the persons who are exempt from the requirement to file a disclosure statement. After permit issuance, each facility must annually update the disclosure form by March 31 and political subdivisions are exempt from the requirement to file and update a disclosure form. Any person seeking a permit to operate a solid waste disposal area, processing facility, or resource recovery facility must disclose any convictions in the state, county, or county equivalent public health or land use ordinances related to the management of solid waste. If the DNR finds that there is a continuing pattern of violations, it may deny the application.



These bills exempt a municipal utility located in Greene County from being required to get preliminary site investigation approval to proceed with a utility waste landfill detailed site investigation.

HB 28/HB 650: Solid Waste Facility Permit Suspensions

Rep. Donna Lichtenegger and Rep. Robert Ross

Specifies that any person or entity operating a solid waste processing facility or disposal area that has had its permit suspended or that has received other penalties may appeal the decision to the DNR. A bond may be required in order to stay the effect until the appeal is resolved. No judicial review can be available until the exhaustion of all administrative remedies.

SB 157: Scrap Metal

Sen. David Sater

Modifies the documentation requirement for transactions where junk or scrap metal is sold or traded. A record must be kept for each transaction involving a catalytic converter. In addition, the record must contain the gender, birth date, and a photograph of the seller, a full description of the metal, the purchase price, and the license plate number of the vehicle used to haul the scrap metal. Currently, scrap yards are prohibited from purchasing metal identified as belonging to a public or private cemetery, political subdivision, electrical cooperative, municipal utility, or other utility. This bill expands this prohibition to apply to metal identified as belonging to a telecommunications provider, cable provider, wireless service or other communications-related provider, and water utilities.

Any scrap metal dealer paying out an amount \$500 or more must make the payment by a pre-numbered check drawn on a regular bank account in the name of the scrap metal dealer or by using a system for automated cash or electronic payment distribution. Further, any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's or non-driver's license if the metal is copper or a catalytic converter.

This measure extends penalty provisions resulting in the revocation of business licenses from dealers, consequential damages related to obtaining stolen scrap metal, and provisions for multiple violations.

Water Quality and Pollution Control

HB 28/HB 650: Animal Feeding Operations

Rep. Donna Lichtenegger and Rep. Robert Ross

Changes the requirements for neighbor notification for Class I concentrated animal feeding operations. Currently, neighbor notification is required before filing an application for a construction permit. The bills require notification before filing an application to acquire an operating permit for a new or expanded facility.



HB 28/HB 542/HB 650: Animal Waste

Rep. Donna Lichtenegger and Rep. Warren Love, and Rep. Robert Ross

Requires that the owner or operator of a flush system animal waste wet handling facility must visually inspect the gravity outfall lines, recycle pump stations, recycle force mains, and any other accessory for any release to any containment structure once per week and visually inspect any lagoon where the water is less than 12 inches from an emergency spillway once per day.

HB 28/HB 650: E. Coli Testing at State Parks

Rep. Donna Lichtenegger and Rep. Robert Ross

Requires state parks that are designated swim beaches to utilize a standard that measures E. coli using the federal Environmental Protection Agency's Method 1603 or an equivalent method that measures culturable E. coli at a geometric mean based on weekly sampling of a specified number of forming units and statistical threshold value. These bills require the Department of Natural Resources to post signs stating "Swimming is Not Recommended" if a beach exceeds the established geometric mean standard. The DNR reserves the right to close a beach in the event of a documented health risk including, but not limited to, wastewater by-pass, extremely high sampling values, spills of hazardous chemicals, or localized outbreaks of an infectious disease.

HB28/HB 542/HB 650: Wastewater Permit Modifications

Rep. Donna Lichtenegger and Rep. Warren Love, and Rep. Robert Ross

Allows an entity that does not charge a service connection fee and requests a nonsubstantive modification to a sewage treatment permit to pay a \$100 fee to the DNR. Currently, the fee for a modification is 25 percent of the annual assessed operating fee.

HB 28/HB 650: Water Quality Permitting

Rep. Donna Lichtenegger and Rep. Robert Ross

Requires the DNR to allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. The DNR must incorporate new water quality requirements into an existing permit at the time of renewal unless there is a compelling reason to implement the requirements earlier through permit modifications. All new permit applicants may be required to meet new water quality standards or classifications.

These bills repeal the requirement that a proposed water contaminant or point source that will be subject to any federal water pollution control act or specified state laws or regulations must apply to the DNR director for a permit at least 30 days prior to construction, installation, or establishment. It will be unlawful for a person to construct, build, replace, or make a major modification to a point source or collection system that is principally designed to convey or discharge human sewage to waters of the state unless the person obtains a construction permit from the Clean Water Commission within the DNR. Any point source that proposes to construct an earthen storage structure for domestic, agricultural, or industrial process wastewater must obtain a construction permit. All other construction-related activities are exempt from the permit requirement but are subject to specified conditions.



These measures extend, from September 1, 2013, to December 31, 2018, the Clean Water Commission's authority to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control. The DNR director is authorized to grant a provisional variance when it is determined that compliance on a short-term basis with the limitations in the clean water law or the related rules and regulations are due to conditions beyond reasonable control and will result in an unreasonable hardship that exists solely because of the regulatory requirement and costs of compliance are substantial and certain. The DNR director must consider the hardship imposed by requiring compliance and the adverse impact from granting a variance when granting a variance due to conditions beyond reasonable control. A variance can be granted for up to 45 days and may be extended by the Department director for up to an additional 45 days, but a variance cannot last longer than 90 days in one calendar year. The application process for a variance requires a \$250 fee with each petition. The DNR director must investigate each petition and take action within 14 days of its receipt. If the Department director grants a provisional variance, he or she must notify the petitioner and file a written copy of the decision with the Clean Water Commission.





NORTH CAROLINA

Energy Legislation

Alternative Energy Development

HB 484: Permitting of Wind Facilities

Rep. John Bell, IV

Establishes a permitting program for the siting and operation of wind energy facilities. The purpose of the bill is to ensure wind energy development remains compatible with military operations.

Energy Efficiency

HB 120: Local Building Codes

Rep. Mike Hager

Amends the state building code by limiting the residential inspections by local governments and extending the revision cycle for the residential code from three years to six years. Specifically, this bill prohibits local governments from requiring inspections for one- and two-family houses other than the eight types delineated in the state building code. Any additions would require approval from the state Building Code Council, a board appointed by the governor.

HB 628: Preference for State Manufactured and Produced Materials

Rep. Michele Presnell

Provides that a major facility construction or renovation project may utilize a building rating system to achieve sustainable building standards so long as the rating system provides certification credits for; provides a preference to be given to; does not disadvantage; and promotes building materials or furnishings, including masonry, concrete, steel, textiles, or wood that are manufactured or produced within the state.

SB 547: Energy Savings Contracts

Sen. Neal Hunt

Amends the statutes governing guaranteed energy savings contracts for governmental units. Any guaranteed energy and operational savings must be determined by using one of the measurement and verification methodologies listed in the United States Department of Energy's Measurement and Verification Guidelines for Energy Savings Performance Contracting, the International Performance Measurement and Verification Protocol (IPMVP) maintained by the Efficiency Valuation Organization, or Guideline 14-2002 of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers. If due to existing data limitations or the nonconformance of specific project characteristics, none of the three methodologies listed are sufficient for measuring guaranteed savings, the qualified provider shall develop an alternate method that is



compatible with one of the three methodologies and mutually agreeable to the governmental unit.

Natural Gas and Petroleum

HB 74: Maintenance for Dispensing Devices

Rep. Tom Murry

Clarifies that no building permit is required under the state building code for routine maintenance on fuel dispensing pumps and other dispensing devices.

SB 76: Domestic Energy Jobs Act

Sen. Buck Newton

Modifies provisions related to oil and gas exploration and development activities in the state, including the use of horizontal drilling and hydraulic fracturing treatments for that purpose. The legislation requires various entities to study and formulate recommendations on a number of issues.

Also, the bill assigns future revenue from offshore energy production and encourages the Governor to develop a regional compact for offshore energy exploration.

The act directs the Medical Care Commission to adopt rules authorizing facilities licensed by the Department of Health and Human Services to use compressed natural gas as an emergency fuel.

SB 378: Voluntary Assessment on Propane

Sen. Brent Jackson

Authorizes a referendum by propane dealers and distributors regarding a voluntary assessment on propane to provide funding for promotional, educational, and other industry programs.

SB 379: Propane and Natural Gas for Agriculture

Sen. Brent Jackson

Authorizes economic development incentive programs to utilize funds to support new and expanded natural gas service. Also, this bill supports propane gas service for agricultural projects.

SB 468: Permits for Natural Gas and Propane Installers

Sen. Clark Jenkins

Prohibits cities and counties from requiring any permit other than a plumbing permit for the installation of any natural gas or propane appliance by an installer who has a plumbing license, as long as the installation does not otherwise require the installer to hold another license.

SB 638: Accelerates Sunset Date of Petroleum Displacement Plan

Sen. Brent Jackson

Accelerates the sunset date of the Petroleum Displacement Plan to July 17, 2013. The previous sunset date was July 1, 2016.



Reorganization and Coordination

HB 140: Regulation of Utility Vehicles

Rep. John Torbett

Allows the City of Lowell to regulate by ordinance the operation of utility vehicles on any public street or road within the city. By ordinance, Lowell may require the registration of utility vehicles, specify the persons authorized to operate utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the utility vehicles.

SB 148: Bonding for Electrical Contractors

Sen. Neal Hunt

Exempts the bonding of corrugated stainless steel tubing gas piping systems from licensing requirements under the laws pertaining to electrical contractors.

SB 454: Petroleum Device Technicians

Sen. Bill Cook

Clarifies the authority of the Gasoline and Oil Inspection Board to regulate petroleum device technicians.

Utilities

HB 119: Rate Adjustment Mechanisms for Natural Gas Local Distribution Companies

Rep. Mike Hager

Allows the Utilities Commission (UC) to adopt, implement, modify, or eliminate a rate adjustment mechanism to enable natural gas local distribution companies to recover the prudently incurred capital investment and associated costs of complying with federal gas pipeline safety requirements, including a return based on the company's then authorized return. The UIC may adopt, implement, modify, or eliminate a rate adjustment mechanism only upon a finding by the commission that the mechanism is in the public interest.

HB 140: Utility Vehicles in the City of Lowell

Rep. John Torbett

Allows the City of Lowell to require the registration of utility vehicles, identify the persons authorized to operate utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the utility vehicles.

HB 223: Electrical Membership Corporation Oversight

Rep. Michele Presnell

Exempts the electrical membership corporations (EMCs) from integrated resource planning and service regulation requirements established by the Utilities Commission and returns oversight to the EMC's board of directors.



HB 412: City of Eden and Duke Energy Annexation Agreement

Rep. Bert Jones

Authorizes the City of Eden to enter into an agreement with Duke Energy for payments in lieu of annexation. Under this legislation, the City of Eden agrees that certain property described as the “Dan River Plant Property” may not be involuntarily annexed during the period beginning January 1, 2014, and ending on December 31, 2019, except as provided in the agreement. The City of Eden may not seek to repeal this passed legislation.

HB 422: Amendments to Marshville’s Charter

Rep. Mark Brody

Amends the town of Marshville’s Charter to delete the provisions for utility billing and termination of utility services.

HB 476: Underground Utility Safety and Damage Prevention Act

Rep. Mike Hager

Repeals the existing Underground Damage Prevention Act and enacts a new Underground Utility Safety and Damage Prevention Act. The new act creates a notification center that facilitates the interactions between excavators and designers who need to locate underground utilities and the owners of the utilities. Excavators must give notice to the notification center 3 to 12 working days prior to excavating, and the utility owner must provide the location of all utilities within three working days of notice being given. Architects and engineers may give notice to the notification center requesting location information, and the utility owner must provide the location of all utilities within 10 working days of notice being given. The act exempts from its requirements certain activities on residential property, certain agricultural activities, activities related to locating utilities, certain maintenance work performed by a governmental entity, certain activities by railroads, and certain activities at cemeteries. The act also provides a process for reporting damage to underground utilities, and creates the Underground Damage Prevention Review Board to investigate alleged violations of the act.

SB 9: Disclosure of Underground Utilities to Surveyors

Sen. Wesley Meredith

Requires utility owners to locate and describe underground utilities upon written or oral request from a person who is responsible for designing or surveying underground facilities. Each utility owner or designated representative or association, other than a small water or wastewater utility owner, notified of an intent to survey must, before the proposed start of the survey, unless another period is agreed to by the surveyor and the utility owner or designated representative or association, provide at least one of the following to the surveyor to the extent the information is reflected by records in the possession of and reasonably available to the utility owner:

- The location and description of all of the underground utilities within the area to be surveyed;
- The best available description of all underground utilities in the area of the proposed survey, which may include drawings marked with a scale, dimensions,



and reference points for underground utilities already built in the area or other facility records that are maintained by the utility owner; or

- An allowance for the surveyor or any other authorized person to inspect the drawings or other records for all underground utilities within the area to be surveyed at a location that is acceptable to both parties.

SB 430: Exemptions for Electrical Contractor Permits

Sen. Harry Brown

Exempts installers of electric load control switches under the laws regulating electrical contractors from permitting requirements. This measure applies to work done by a public utility, electric membership corporation, municipal electric service provider, or business contracted by such entities, as long as the work is subject to oversight from a licensed electrical contractor.

The bill also amends provisions related to the planning and regulation of development for cities/towns and counties by providing that a permit is not required for the installation, maintenance, or replacement of any modification, device, or equipment by a public utility, EMC, or municipal electric service provider as long as the work is subject to oversight by a licensed electrical contractor. However, the public utility, EMC, or municipal electric service provider must be providing a service in accordance with an activity or program approved by the Utilities Commission or a similar program undertaken by a municipal electric service provider.

SB 545: Master Meters

Sen. Ronald Rabin

Allows the use of a master meter where a landlord and a tenant have agreed in a lease that the cost of electric service or natural gas service will be included in rental payments and the service will be in the name of the landlord. The bill became effective June 19, 2013, and applies to leases entered into, amended, or renewed, including leases that renew by inaction, on or after the effective date.

SB 634: Utility Tampering

Sen. Buck Newton

Increases the criminal penalties for interference with gas, water and electric lines.

SB 635: Transmission Line Construction

Sen. Buck Newton

Clarifies that only incumbent providers may construct new electricity transmission lines. Only a public utility may obtain a certificate to construct a new transmission line, except an entity may obtain a certificate to construct a new transmission line solely for the purpose of providing interconnection of an electric generation facility. The bill redefines “public utilities” as investor-owned companies, electric membership cooperatives, joint municipal power agencies, and cities or counties furnishing electricity for public or private use.







NORTH CAROLINA

Environmental Legislation

Air Quality and Pollution Control

HB 74: Regulatory Reform of Air Rules

Rep. Tom Murry

Directs the Environmental Management Commission (EMC) to repeal the "Model Year 2008 and Subsequent Model Year Heavy-Duty Diesel Requirements" rule on or before December 1, 2013. The rule provides that no model year 2008 or subsequent model year heavy-duty vehicle may be leased or registered in North Carolina unless the vehicle or its engine has been certified by the California Air Resources Boards as meeting the applicable model year requirements of the California Code of Regulations.

Also, the legislation instructs the Department of Environment and Natural Resources (DENR) to study whether all of the counties covered under the emissions testing and maintenance program are needed to maintain the current and proposed federal ozone standards in the state.

The bill amends the rules in the North Carolina Administrative Code (NCAC) that pertain to open burning for land clearing or right-of-way maintenance to provide that an air quality permit is not required if materials are not carried offsite or transported over public roads for open burning unless the materials are carried or transported to: (i) facilities permitted for the operation of an air curtain burner; or (ii) a location where the material is burned no more than four times per year; that is at least 500 feet from any dwelling or occupied structure not located on the property; there are no more than two piles, each 20 feet in diameter burned at one time; and the location is not a permitted solid waste facility.

In addition, the bill provides that with the exception of permits issued pursuant to Title V of the federal Clean Air Act, air quality permits must be issued for a term of eight years. This act allows that in addition to a permit applicant and a permittee, a third party who is dissatisfied with a decision of the EMC may commence a contested case within 30 days of the EMC notifying the applicant of its decision.

Coastal Zone Management

HB 74: Fees for Aquarium Piers

Rep. Tom Murry

Clarifies that the Secretary of Environment and Natural Resources may, in addition to adopting a schedule of entrance fees for the aquariums, may do so for the piers operated by the aquariums, and may adopt fees for facility rentals and educational programs.



HB 229: Canal Dredging

Rep. Frank Iler

Authorizes the towns of Holden Beach and Ocean Isle Beach to accumulate funds in a capital reserve fund for canal dredging and maintenance for a period of ten years.

HB 294: Abandoned Vessels

Rep. Paul Tine

Allows Brunswick and Dare Counties to remove abandoned vessels from navigable waters. A vessel will be considered abandoned if it is moored, anchored, or otherwise located for more than 30 consecutive days in any 180 consecutive-day period without permission of the dock owner or if the vessel is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is an immediate danger to other vessels.

HB 707: Navigation Channels

Rep. Chris Millis

Directs the Department of Environment and Natural Resources to pursue strategies to ensure that the state's shallow draft navigation channels are safe and navigable.

This bill also creates the Oregon Inlet Land Acquisition Taskforce, which will determine, review, and consider the state's options for acquiring the federal government's right, title, and interest in Oregon Inlet and the real property adjacent thereto, including submerged lands.

SB 151: Coastal Policy Reform Act of 2013

Sen. Bill Rabon

Amends various laws related to the coastal region of the state as follows:

- Repeals the requirement that the Secretary of Environment and Natural Resources designate at least one licensed agent in each county bordering coastal fishing waters;
- Repeals various licenses for the taking of menhaden by the use of a purse seine net deployed by a mother ship and one or more runner boats in coastal fishing waters;
- Amends the law governing terminal groin construction by changing the definition of terminal groin and repealing the requirement that an applicant for a terminal groin demonstrate that structures or infrastructure are imminently threatened by erosion and that nonstructural approaches to erosion control, including relocation of threatened structures, are impractical;
- Provides that an environmental impact statement prepared for a terminal groin pursuant to federal law is sufficient to satisfy the requirements of the state terminal groin law;



- Provides that the requirements of an inlet management plan must be reasonable and may not impose requirements with costs that outweigh the benefits and specifies that an inlet management plan is not required to address sea level rise;
- Amends the financial assurance requirements;
- Requires that the Coastal Resources Commission consider the benefits of a terminal groin when determining whether the terminal groin will result in significant adverse impacts to private property or the public beach; and
- Clarifies that cities may adopt and enforce ordinances on the state's ocean beaches and abate unreasonable interferences with public trust rights on the state's ocean beaches.

SB 229: Sea Turtle Sanctuary

Sen. Bill Rabon

Authorizes the Town of Ocean Isle to create a sea turtle sanctuary and to exchange a parcel of real property for services.

SB 268: Canal Dredging

Sen. Bill Rabon

Allows the Town of Sunset Beach to impose a canal dredging and maintenance fee.

Emergency Management and Homeland Security

HB 318: Seismic Upgrades

Rep. Debra Conrad

Provides that requirements for seismic upgrades to Occupancy Category IV do not apply to structures occupied by an emergency preparedness communications and operations center for a period of less than five years while the structure ordinarily occupied by the center is undergoing seismic upgrades to Occupancy Category IV. This bill applies to a specific structure in the City of Winston-Salem in Forsyth County.

Environmental Health Services

HB 74: Carbon Monoxide Detectors

Rep. Tom Murry

Directs the Building Code Council (BCC) to adopt rules to require lodging establishments to install electrical, hard-wired, carbon monoxide detectors in every enclosed space having a fossil-fuel burning heater, appliance, or fireplace, and in any enclosed space, including a sleeping room, that shares a common wall, floor, or ceiling with an enclosed space having a fossil-fuel burning heater, appliance, or fireplace.

The section also establishes two associated requirements for permitting of lodging establishments. It requires:



- Installation of battery-operated or electrical carbon monoxide detectors in these same locations within lodging establishments, effective October 1, 2013, and would expire October 1, 2014; and
- Installation of electrical, hard-wired, carbon monoxide detectors in these same locations within lodging establishments, effective October 1, 2014.

The legislation directs the BCC, the Department of Health and Human Services, and the Commission for Public Health, to jointly study these requirements in order to determine whether the requirements are adequate to protect the health and safety of the traveling public, and report their findings and recommendations to the General Assembly no later than April 15, 2014. At a minimum, the entities are directed to study the requirements for placement of detectors and evaluate whether sufficient coverage will be provided to guests and occupants in all areas of an establishment.

HB 74: Reptiles

Rep. Tom Murry

Revises the statute governing the investigation of suspected violations, seizure, and disposition of reptiles to direct law enforcement personnel to consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park to identify appropriate and safe methods to seize a reptile. If there is an immediate risk to public safety, the officer is not required to first consult with Museum or Zoo representatives. The legislation further provides that representatives of the Museum or the Zoological Park may euthanize a venomous reptile for which antivenin is not readily available.

Also, the bill amends the statute regulating ownership or use of venomous reptiles to correctly refer to the term "antivenin," not "antivenom," as the serum or treatment for venom.

HB 186: Noise Ordinances on Lake Norman

Rep. Charles Jetter

Authorizes the towns of Cornelius, Davidson, Huntersville, Mooresville, and Troutman to enforce municipal noise ordinances on the waters of Lake Norman.

SB 211: Notices of Public Nuisance

Sen. Earline Parmon

Allows city governments to use registered mail or regular mail and a notice posted on the property to inform chronic violators of public nuisance statutes that a lien could be set against their property. Under prior law, cities could only use certified mail to notify chronic violators.

SB 626: Animal Welfare

Sen. Floyd McKissick, Jr.

Amends the existing law to assist owners in recovering lost pets, relieve overcrowding at animal shelters, facilitate adoptions from animal shelters, and provide improved enforcement of the Animal Welfare Act.



This bill establishes a cap on the reimbursement amount available from the spay/neuter program.

Also, this bill provides for the protection of animals confined in motor vehicles under circumstances that threaten the animals' health.

Inland Water Resource Management and Conservation

HB 74: Riparian Buffer Rules

Rep. Tom Murry

Exempts freshwater ponds that are constructed and used for agriculture, provided the pond is not a component of an animal waste management system, from the: (i) Neuse River Basin riparian buffer rules; (ii) Tar-Pamlico River Basin riparian buffer rules; (iii) Jordan Water Supply Watershed riparian buffer rules; (iv) Randleman Lake Water Supply Watershed riparian buffer rules; (v) riparian buffer rules in the Catawba River Basin; (vi) riparian buffer rules in the Goose Creek Watershed (Yadkin Pee-Dee River Basin); and (vii) any similar rule adopted for the protection and maintenance of riparian buffers.

The bill provides that the riparian buffer rules must apply if the use of the property adjacent to the pond changes such that it no longer is used for agriculture. The legislation applies to ponds used for agriculture that were either in existence on or constructed after July 22, 1997.

Also, the bill amends the notice procedure to riparian property owners that adjoin property subject to an application for a dredge and fill permit.

HB 238/SB 207: Fiscal Health of Water and Sewer Systems

Rep. George Cleveland and Sen. Tommy Tucker

Gives the Local Government Commission (LGC), a division of the Department of State Treasurer, the authority to assume full control of a water or sewer enterprise system, regardless of whether the system is ran by a local government or public authority. In order for the LGC to have the authority to assume control, the system must meet one of the following criteria for three consecutive years:

- The system experienced negative working capital (determined in accordance with generally accepted accounting principles);
- The system experienced a quick ratio of less than 1.0 (the ratio of liquid assets, cash, and receivables to current liabilities is less than 1.0); or
- The system experienced a net loss of revenue using modified accrual budgetary basis of accounting.

Before the LGC assumes control of a system, it must find that impact of the stated criteria threatens the financial stability of the local government or public authority. Also, the LGC must find the system failed to make corrective changes to operations after notice and warning from the LGC. The LGC may provide notice and warning to a system prior to the three-year period.



HB 396: Private Well Water Education Act

Rep. Rick Caitlin

Enacts the Private Well Water Education Act. Under this legislation, the Department of Public Health will adopt rules to require local health departments to educate citizens for whom new private drinking water wells are constructed and for citizens who contact local health departments regarding testing an existing well on the scope of the testing required; optional testing available; the limitations of both the required and optional testing; and minimum drinking water standards.

House Bill 488: Water and Sewer System Ownership

Rep. Tim Moffitt

Requires the transfer of ownership and operation of the City of Asheville's public water and sewer system to the Metropolitan Sewerage District of Buncombe County.

HB 710: Cost Recovery for Water and Sewer Utilities

Rep. Mike Hager

Permits water utilities to adjust rates for changes in cost based on third party rates and authorizes the Utilities Commission to approve a rate adjustment mechanism for water and sewer utilities to recover costs for water and sewer improvements.

HB 788: Rate Flexibility for Water and Sewer Authorities

Rep. Rick Caitlin

Amends the statute governing the powers of water and sewer authorities to allow the authority to set flexible rates for water resources storage or protection programs.

Under prior law, each authority was already authorized and empowered to fix and revise from time-to-time and to collect rates, fees, and other charges for the use of or for the services and facilities furnished by any system operated by the authority. Under this bill, the state's water and sewer authorities gain a limited expansion and flexibility of their authority to set rates. This bill expands the terms "services and facilities operated by the authority" to include flexible rates for water stored by the authority through programs to store and protect water resources in the region served by the authority. This bill provides that "programs to store and protect water resources" includes, but is not limited to, aquifer or surficial storage. This bill allows authorities to set flexible rates for water stored by the authority, such as aquifer or surface storage.

SB 341: Interbasin Transfers Law

Sen. Bill Rabon

Amends the interbasin transfer law as follows:

- Modifies the threshold for when an interbasin transfer certificate must be obtained from a transfer of 2 million gallons of water or more per day from one river basin to another to a transfer of 2 million gallons of water or more per day, calculated as a daily average of a calendar month and not to exceed 3 million gallons per day in any one day, from one river basin to another;



- Creates an expedited process for modifying existing interbasin transfer certificates by reducing notice requirements and providing that a full environmental impact statement is not necessarily required;
- Prohibits the Environmental Management Commission from granting a request for a modification that would be inconsistent with the North Carolina/South Carolina settlement agreement for the Catawba River Basin;
- Provides an expedited process for obtaining new interbasin transfer certificates in coastal counties by reducing notice requirements and providing that a full environmental impact statement is not necessarily required; and
- Makes other clarifying, conforming, and technical changes to interbasin transfer law.

SB 638: Farm Act of 2013

Sen. Brent Jackson

Provides that the current exemption from the Dam Safety Act of nonhazardous dams constructed to provide water for agricultural use can be designed and constructed by or under the supervision of a person who is employed by the Natural Resources Conservation Service, county, or local Soil and Water Conservation District and has federal engineering job approval authority. The intent of this bill is to give farmers more competitive options when constructing or repairing a dam used for water to reduce overall costs.

The measure also provides that no statute governing water shortage emergencies can limit a farmer from withdrawing water for use in agricultural activities when the water is withdrawn from surface water sources located wholly on the landowner's property and from groundwater sources unless there is intervention by the Governor.

Land Management and Conservation

HB 66: Captivity License and Permit Amendments

Rep. Roger West

Amends the law providing for the issuance of captivity licenses and permits by the Wildlife Resources Commission (WRC). This bill provides an exemption from the requirements for captivity licenses for the taking and holding in captivity of a wild animal by a licensed sportsman for use or display in an annual, seasonal, or cultural event, so long as the animal is captured from the wild and returned to the wild at or near the area where it was captured. This measure is aimed at allowing the annual Possum Drop in western North Carolina to proceed.

HB 74: Regulatory Reform of Land Management

Rep. Tom Murry

Prohibits the enforcement of a zoning or unified development ordinance against a grandfathered use more than ten years after the termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety.



Also, this bill amends the outdoor advertising act to allow vegetation cutting and removal along acceleration and deceleration ramps so long as the view of the outdoor advertising sign is improved and total aggregate amount of cut area is not increased. It prohibits local governments from restricting the repair or reconstruction of outdoor advertising, without just compensation, as long as the advertising surface area is not increased. Reconstruction includes changing an existing multi-pole to a monopole structure.

The legislation directs the Department of Transportation to adopt rules for selective pruning within highway rights-of-way for vegetation that obstructs a motorists' view of properties on which agritourism activities occur.

HB 74: Brownfields

Rep. Tom Murry

Bans the State and the Community Colleges System from purchasing or acquiring an ownership interest in real property with known contamination without approval of the governor and the Council of State. This bill applies to a purchase or acquisition of interest in real property occurring on or after September 1, 2013.

In addition, the act provides an exemption from the 25 acre or more size requirement for local governments entering into development agreements for developable properties of any size provided the property is subject to an executed brownfields agreement.

HB 296: Omnibus Wildlife Resources Commission Bill

Rep. John Bell, IV

Adjusts the fees charged for hunting and fishing licenses issued by the Wildlife Resources Commission and repeals county hunting, fishing, and trapping licenses as well as noncommercial special device licenses. This legislation changes the age for discounted special licenses from 65 to 70. Also, effective as of January 1, 2015, hunting and fishing license fees in effect must remain at the existing levels until the WRC establishes new fees through rulemaking. The WRC is authorized to establish license fees through rulemaking beginning in 2015. Additionally, this measure establishes a black bear management stamp that must be procured before taking a black bear and amends the law restricting the hunting of black bear with bait.

The bill also adjusts the fees and budget at the WRC. A \$2 transaction fee replaces the 6 percent wildlife service agent commission fee. No more than 25 percent of the WRC's authorized operating budget may be kept in reserve. The annual target for utilization of the annual expendable interest of the Wildlife Endowment Fund will be 50 percent.

HB 433: Land Use Surrounding Military Installations

Rep. John Bell, IV

Prohibits local governments from permitting the construction of any building or structure more than 200 feet high on land near a military installation without prior approval from the state Building Code Council.



HB 581: Trophy Wildlife Sale Permits

Rep. Jeffrey Elmore

Directs the Wildlife Resources Commission to adopt rules to implement trophy wildlife sale permits.

HB 614: Agriculture and Forestry Act

Rep. Nathan Ramsey

Specifies that agricultural and forestry operations are not nuisances under certain circumstances and provides for the award of costs and attorneys' fees.

HB 646: Tree Trimming at Airports

Rep. Rick Caitlin

Prohibits a county or city from enforcing any ordinance that regulates the trimming or removal of trees on property owned or operated by a public airport authority.

HB 774: Exemption from State Building Code for Primitive Structures

Rep. Chuck McGrady

Exempts certain primitive structures from the state Building Code. The legislation addresses the closing of Eustace Conway's Turtle Island Preserve outside of Boone, North Carolina.

HB 789: Brownfields Agreements

Rep. Rick Caitlin

Clarifies that the presence of a substance released from an underground storage tank (UST) does not disqualify a property from participation in the state brownfields program. This bill allows the Department of Environment and Natural Resources to combine a prospective developer's requirements, both UST and non-UST issues, into a brownfields agreement.

HB 816: Tobacco Growers Assessment

Rep. James Langdon

Authorizes tobacco growers to assess themselves a fee to promote the interests of tobacco growers.

HB 936: Wildlife Poacher Reward Fund

Rep. Michael Wray

Establishes a Wildlife Poacher Reward Fund to pay rewards to people who give information to law enforcement authorities that results in the arrest and conviction of individuals who commit serious wildlife violations. This bill authorizes the use of compensation paid to the Wildlife Resources Commission as conditions of offenders' probation as assets of the fund.

SB 25: Hunting and Fishing Licenses for Active Members of the Military

Sen. Harry Brown

Provides that members of the U.S. Armed Forces, who are serving on active military duty outside of the state, will be considered residents for purposes of obtaining hunting, fishing, trapping, and special activities licenses.



SB 205: Soil Testing Requirements

Sen. Michael Walters

Eliminates unnecessary soil testing requirements in animal waste management plans.

SB 234: Hunter Heritage Apprentice Permits

Sen. Buck Newton

Provides for the issuance of a Hunting Heritage Apprentice Permit by the Wildlife Resources Commission. The permit authorizes a person that does not meet the hunter education course requirements to purchase a hunting license and hunt if accompanied by an adult at least 18 years old who is licensed in North Carolina or if accompanied by an adult landholder or spouse that is exempt from the hunting license requirement if hunting on the landholder's land. Hunting with an apprentice permit but not complying with all the requirements is the same as hunting without a valid license.

Also, the bill provides that any person who obtains a hunting license by a fictitious certificate of competency or through other means of fraud will have his or her hunting privileges revoked by the WRC for a period not to exceed one year.

SB 455: Seed Law Violations

Sen. Bill Cook

Increases penalties for violations of the state seed law. Any person, firm or corporation violating any provision of the seed law or any rule or regulation adopted pursuant thereto shall be guilty of a Class 3 misdemeanor and upon conviction thereof shall only pay a fine of not more than \$10,000. The fine may not apply, however, to a retailer with respect to any transaction where the seed sold by the retailer was acquired by the retailer in a sealed container or package, or the retailer did not have reasonable knowledge that the seed sold was in violation of the law. In determining the amount of the fine, the court must consider the retail value of the seed sold in violation of the law, and in cases involving the unlawful sale of seed protected under the federal Plant Variety Protection Act. The court will order the payment of restitution to any injured party for any losses incurred as a result of the unlawful sale.

Reorganization and Coordination**HB 74: Regulatory Reform for Environmental Ordinances**

Rep. Tom Murry

Prohibits a local government from enacting an environmental ordinance unless the ordinance is approved by a unanimous vote of the governing members of the local government present and voting. This prohibition became effective upon the act becoming law, applies to ordinances enacted on or after that date, and would expire October 1, 2014.

This bill also directs the Environmental Review Commission (ERC) to study the circumstances under which local governments should be authorized to enact environmental ordinances that are more stringent than state or federal environmental laws. The ERC must report its findings and recommendations to the 2014 Short Session.



Also, the legislation clarifies the process for appeals from civil penalties assessed by a local government that has established and administers a state-approved erosion and sedimentation control program. This section also provides that civil penalties assessed by a local government under the Sedimentation and Pollution Control Act of 1973 must be remitted to the Civil Penalty and Forfeiture Fund.

HB 74: Regulatory Reforms for Permitting Processes

Rep. Tom Murry

Directs the Department of Environment and Natural Resources, in conjunction with the Departments of Transportation and Health and Human Services, and local governments operating delegated permitting programs on behalf of the departments, to study their internal processes for review of applications and plans submitted for approval, including:

- Standard processes for each environmental permit program with respect to evaluation of applications and plans submitted for approval, and the role professional engineers play in each permit program in terms of direct review of applications or plans, or supervisory responsibilities for review of applications and plans by other staff;
- Mechanisms in place to ensure that staff who are not professional engineers are not engaged in the unauthorized practice of engineering;
- The standard scope of review within each permit program, including whether staff are reviewing applications or plans solely on the basis of the application or plan's ability to satisfy the requirements of the statute, rule, standard, or criterion against which the application or plan is being evaluated, or whether staff are requiring revisions that exceed statutory or rulemaking requirements when evaluating such permits or plans; and
- Opportunities to eliminate unnecessary or superfluous revisions that may have resulted in the past from review processes that exceeded requirements under law, and opportunities to otherwise streamline and improve the review process for applications and plans submitted for approval.

The entities are required to report their findings and recommendations to the ERC no later than January 1, 2014. The ERC is directed to study the matter, with the assistance of the departments, applicable local governments, the North Carolina State Board of Examiners for Engineers and Surveyors, and the Professional Engineers of North Carolina, and report its findings and recommendations on the matter, including any legislative proposals, to the 2014 General Assembly upon its convening.

HB 74: Regulatory Reforms Water Treatment Systems

Rep. Tom Murry

Provides that water treatment systems with expired authorizations may obtain new authorizations that allow the systems to withdraw surface water from the same water



body and at the same rate as was approved in the expired authorization and such new authorizations are not required to prepare an environmental document pursuant to the State Environmental Policy Act. The bill applies only those systems whose authorization for the water treatment plant expired within the last ten calendar years.

HB 301: Engineer and Land Surveying Applicants

Rep. Dean Arp

Provides that an applicant for certification as an engineering intern or land surveyor intern must submit three character references, one of which must be from a professional engineer or professional land surveyor. An applicant for certification as an engineering professional or land surveyor professional must submit five character references, two of which must come from professional engineers or professional land surveyors with personal knowledge of the applicant's qualification.

Also, this bill removes the requirement that the Fundamentals of Engineering examination and the Fundamentals of Land Surveying examination be eight hours in length. The requirement for the Principles and Practice of Engineering examination to last six hours and the requirement for the Principles and Practice of Land Surveying to last six hours are also removed. The bill does not specify a new required length for either examination.

HB 368: Board of Agriculture Membership

Rep. James Langdon

Adds additional members to the state Board of Agriculture (Board) by providing that one Board member will be actively involved in forestry to represent the forestry interests of the state and one member will be actively involved in the nursery business to represent the nursery industry of the state.

HB 441: Robeson County Board of Drainage Commissioners

Rep. Charles Graham

Increases the membership of the Board of Drainage Commissioners of the Robeson County Drainage District Number One from three people to four people and allows two of them to serve each watershed within the District.

HB 830: State Symbols

Rep. Marilyn Avila

Adopts the following state symbols:

- The fossilized teeth of the megalodon shark is adopted as the official state fossil;
- The pine barrens tree frog (*Hyla andersonii*) is adopted as the official state frog;
- The marbled salamander (*Ambystoma opacum*) is adopted as the official state salamander; and
- The Virginia opossum (*Didelphis virginiana*) is adopted as the official state marsupial.



SB 71: Irrigation Contractors Licensing Laws

Sen. Tommy Tucker

Amends the laws regulating irrigation contractors to provide substantive requirements for licensing corporations and for the issuance of licenses to nonresidents. The bill also clarifies the fee structure.

SB 387: North Carolina Forest Service

Sen. Chad Barefoot

Makes technical and conforming changes within the General Statutes pertaining to the renaming of the North Carolina Forest Service. The North Carolina Forest Service was formerly known as the Division of Forest Resources of the Department of Agriculture and Consumer Services.

SB 402: State Energy Office

Sen. Peter Brunstetter

Transfers the State Energy Office from the Department of Commerce to DENR.

Solid Waste

HB 26: Recycled Vehicles

Rep. Tim Moore

Requires each recycler acquiring a vehicle for the purpose of scrapping/recycling or selling of parts must maintain a log in a format promulgated and approved by the state Department of Motor Vehicles (DMV) that reflects all aspects of the transaction. This includes name and address of the seller, photocopy of the seller's driver's license, and a written statement that the vehicle will be scrapped, dismantled and/or sold for parts only. Furthermore, within 72 hours of the acquisition of the motor vehicle by the recycler, this acquisition must be reported to the National Motor Vehicle Title Information System.

This bill codifies the federal law and incorporated it into the laws of this state. Such codification gives DMV's License and Theft Bureau the ability and authority to enforce the NMVTIS reporting requirement. Failure to comply subjects the recycler to a Class 'I' felony and a minimum fine of \$1000.00 per occurrence.

Lastly, this legislation requires that the state DMV develop a methodology whereby a recycler can, via the internet, confirm whether a motor vehicle has been reported stolen.

HB 74: Regulatory Requirements for Landfills

Rep. Tom Murry

Provides modifications to certain requirements governing sanitary landfills including: environmental impact studies, applicable buffers, cleaning and inspection of leachate collection lines, alternative daily cover, and required studies for certain landfill owners and operators, as follows:

- Modifies the requirement that an applicant for a proposed sanitary landfill conduct an environmental impact study of the proposed facility, to provide that



the applicant must contract with a qualified third party approved by DENR to conduct the study (DENR conducts the study under existing law, with reimbursement of costs from the applicant);

- Modifies the one mile buffer from the outermost boundary of a state gameland owned, leased, or managed by the Wildlife Resources Commission, by providing that only buffers established on or before July 1, 2013, would apply;
- Deletes requirements for annual cleaning of leachate collection lines, but provides that these lines must be cleaned as necessary for proper functioning and to address buildup of leachate over the liner;
- Adds a requirement that with respect to requirements for daily cover at sanitary landfills, once the department has approved use of an alternative method of daily cover for use at any sanitary landfill, that alternative method of daily cover shall be approved for use at all sanitary landfills located within the state;
- Adds requirements that owners or operators of sanitary landfills permitted to receive more than 240,000 tons of waste per year: (i) research the development of alternative disposal technologies and allow access to nonproprietary information and provide site resources for individual research and development projects related to alternative disposal techniques for the purpose of studies that may be conducted by local community or state colleges and universities or other third-party developers or consultants; and (ii) perform a feasibility study of landfill gas-to-energy, or other waste-to-energy technology, to determine opportunities for production of renewable energy from landfills in order to promote economic development and job creation in the state, and specifically examine opportunities for returning a portion of the benefits derived from energy produced from the landfill to the jurisdiction within which the landfill is located in the form of direct supply of energy to the local government and its citizens, or through revenue sharing with the local government from sale of the energy, with revenues owing to the local government credited to a economic development fund;
- Modifies the state statutory requirement that DENR must deny a landfill permit if the cumulative impact of the proposed facility, when considered in relation to other similar impacts of facilities located or proposed in the community, would have a disproportionate adverse impact on a minority or low-income community protected by Title VI of the federal Civil Rights Act of 1964. The bill specifies that the provision only applies to the extent required by federal law; and
- Authorizes cities and counties to levy a surcharge on existing fees for use of waste disposal facilities provided by them on other cities and counties located within the state that use the disposal facility, and authorizes cities and counties imposing such a surcharge to use the funds that accrue in excess of the amount needed to operate the landfill for other purposes. Cities and counties may include



such a surcharge on other local governments' waste as part of a franchise agreement entered into with a private landfill owner or operator.

HB 74: Regulatory Reform for Solid Waste

Rep. Tom Murry

Amends a provision enacted in 2012, which required the Department of Environment and Natural Resources to adopt rules to prohibit permitted scrap tire collectors from contracting with a scrap tire processing facility unless the processing facility documents that it has access to a facility permitted to receive scrap tires. This bill codifies the requirement in the statutes and eliminates the rulemaking requirement.

Also, the legislation codifies existing factors and adds the amount of money a violator of the solid waste rules saved as a result of the violation as a new factor for consideration in assessing solid waste penalties.

A local government is prohibited from impeding the storage, retention, or use of nonhazardous recyclable materials, including asphalt pavement, rap, or roofing shingles in properly zoned storage facilities through regulation of the height or setback of recyclable materials stockpiles, except when such facilities are located on lots within 200 yards of residential districts.

HB 135: Fee Permit Schedule for Landfills and Transfer Stations

Rep. Ruth Samuelson.

Provides increases and adjustments to the fee schedule for permits for sanitary landfills and transfer stations to reflect extensions of the duration of the permits as recommended by the ERC.

HB 315: Plastic Labeling

Rep. Chuck McGrady

Requires that degradable plastic products be clearly labeled to prevent contamination of recycled plastic feedstocks.

HB 321: Solid Waste Management Plans

Rep. Chuck McGrady

Eliminates the requirement that each unit of local government, either individually or in cooperation with other units of local government, develop a 10-year comprehensive solid waste management plan, and would make conforming changes to the statutes. In addition, the bill would move reporting requirements on several matters from the plan that would be repealed under the bill to an annual report that must be submitted by local governments pursuant to existing law, and add one additional matter to the annual report. The bill exempts certain landfills from the requirement that they obtain a franchise to operate from a local government with jurisdiction over the property in limited circumstances.



HB 706: Landfill Space

Rep. Andy Wells

Provides that the disposal of onsite demolition debris from the decommissioning of manufactured buildings, including electric generating stations, is exempt from landfill permitting requirements.

Under this legislation, a person may dispose of demolition debris from the decommissioning of manufacturing buildings, including electric generating stations, on the same site as the decommissioned buildings if the demolition debris meets all of the following requirements:

- It is composed only of inert debris such as brick or other masonry materials, dirt, sand, gravel, rock, and concrete if the material, when characterized using the toxicity characteristic leaching procedure developed by the U.S. Environmental Protection Agency, is not a hazardous waste. The debris may contain small amounts of wood, paint, sealants, and metal associated with the inert debris;
- It does not extend beyond the footprint of the decommissioned buildings and shall be at least 50 feet from the property boundary or enclosed by the walls of the building that are left in place below grade;
- It is placed at least 500 feet from the nearest drinking water well;
- It is placed to assure at least two feet of clean soil between any coated inert debris and the seasonal high groundwater table. Uncoated inert debris may be used as fill anywhere within the footprint of the decommissioned building or as beneficial fill on the site; and
- It complies with all other applicable federal, state, and local laws, regulations, rules, and ordinances.

After the decommissioning is completed or terminated, the owner or operator must compact the demolition debris and cover it with at least two feet of compacted earth finer than a sandy texture soil. The cover of the demolition debris must be graded so as to minimize water infiltration, promote proper drainage, and control erosion. Erosion of the cover must be controlled by establishing suitable vegetative cover. All site stabilization has to be completed within 90 days of the completed demolition. When the land, or any portion of the land, on which the demolition debris is located is sold, leased, conveyed, or transferred, the deed or other instrument of transfer is required to contain a statement that the property has been used for the disposal of demolition debris.

SB 24: Landfill Siting

Sen. Harry Brown

Amends buffer requirements for sanitary landfills to allow the construction of landfills near state game lands, provided that said landfills accept only construction and/or demolition debris, are located within the bounds of a municipality of at least 15,000 people, and are separated by the game lands by a highway.



SB 583: Secondary Metal Recyclers

Sen. Tommy Tucker

Amends the statutes that regulate secondary metals recyclers by requiring photo identification capture for cash payments and changes the description of copper. Under this legislation, “copper” means nonferrous metals, including, but not limited to, copper wire, copper clad steel wire, copper pipe, copper bars, copper sheeting, copper tubing and pipe fittings, and insulated copper wire. The term does not include brass alloys, bronze alloys, lead, nickel, zinc, or items not containing a significant quantity of copper.

Water Quality and Pollution Control

HB 74: Regulatory Reform Regarding Water Quality

Rep. Tom Murry

Provides for alternative implementation of a rule governing closure requirements for containment basins, such as lagoons or waste storage structures, permitted at a cattle facility to allow for an alternative closure process if the cattle facility no longer meets the definition of an animal operation under the statutes. The bill directs the Environmental Management Commission (EMC) to adopt a rule consistent with the provisions of the act, and directs the EMC to amend the definition for "new animal waste management system" under the Administrative Code.

Also, the legislation provides for alternative implementation of a rule governing various required setbacks applicable to reclaimed water irrigation and directs the EMC to adopt a rule consistent with the provisions of the bill.

The bill amends the rules in the North Carolina Administrative Code to provide for reduced flow alternatives to the Daily Flow Rate for Design for wastewater systems. This section would exempt proposed wastewater systems from complying with the Daily Flow Rate for Design and any design flow standard established by the Commission for Public Health or the Department of Health and Human Services provided (i) the daily flow rate for design of the system is less than the rate listed by rule ; (ii) the daily flow rate for design can be achieved through engineering design that utilizes low-flow fixtures and low-flow technologies; and (iii) the design is prepared, sealed, and signed by a professional engineer licensed in North Carolina. This bill further provides that proposed wastewater systems with a daily flow for design of less than 3,000 gallons per day are not required to obtain state-level review for the system.

In regard to well water, the Commission for Public Health (CPH) must adopt rules governing permits issued for private drinking water wells for circumstances in which the local health department has determined that the proposed site for the well is located within 1,000 feet of a known source of contamination. The rules adopted by the CPH must provide for notice and information of the known sources of contamination and any known risk of issuing a permit for the construction and use of a private drinking water well on such a site. This bill also directs local health departments to either issue a permit or deny an application for a permit for the construction, repair, or operation of a private drinking water well within 30 days of receipt of an application, and provides that a



permit shall automatically be issued if not acted upon within that 30 day period. The local health department has a right to appeal issuance of the permit in certain circumstances.

The bill changes the statute regulating sources of water pollution and the activities for which a permit is required by requiring any source that must obtain a permit must also have a compliance boundary established, either by the permit or by a rule adopted by the EMC, beyond which groundwater quality standards may not be exceeded. The compliance boundary must be established at the property boundary, unless otherwise established by the EMC. Multiple contiguous properties under common ownership and permitted for use as a disposal site must be treated as a single property. The EMC may only require a permitted disposal system to remedy an exceedance of groundwater quality standards within the compliance boundary when certain conditions are met. Where operation of a disposal system results in an exceedance of groundwater quality standards at or beyond the compliance boundary, the exceedance must be remedied through clean-up, recovery, containment, or other response as directed by the EMC.

HB 279: Environmental Permit Transfers

Rep. Chris Millis

Authorizes the Department of Environment and Natural Resources and local governments to transfer stormwater runoff and certain other approved plans associated with property development when the original property owner is unwilling or unable to agree to the transfer.

DENR must transfer a permit concerning stormwater to a new party when the current permit holder is unwilling or unable to agree to the transfer and when the following is found to be true: the new permittee has sole legal right to develop the permitted project; the new permittee intends to use the permit for the purposes for which it was issued; and there will be no change of the permitted project substantially impacting the permitted activity.

The bill requires the Director of the Division of Energy, Mineral, and Land Resources to transfer an erosion and sedimentation control plan if the proposed transferee is the owner of the land to be disturbed or has the owner's written consent to conduct the land-disturbing activity; the proposed transferee intends to use the permit for the purposes for which it was issued; and there will be no change of the project covered by the plan that would affect any requirement of the plan.

Also, the legislation requires a local government administering an erosion and sedimentation control program to transfer a plan approved by this section if the proposed transferee is the owner of the land to be disturbed or has the owner's written consent to conduct the land-disturbing activity; the proposed transferee intends to use the permit for the purposes for which it was issued; and there will be no change of the project covered by the plan that would affect any requirement of the plan.



HB 404: Delinquent Stormwater Utility Fees

Rep. Bob Steinburg

Allows Camden County to collect stormwater utility fees in the same manner as delinquent personal and real property taxes.

HB 480: Environmental Permitting Reform

Rep. Chris Millis

Requires the Department of Environment and Natural Resources to develop Minimum Design Criteria for stormwater runoff permits and that the criteria include a requirement for the siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary for issuing a stormwater permit. It also requires DENR to develop Minimum Design Criteria for the erosion and sedimentation control plans they and local governments issue. These criteria must include requirements for the siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary to approve an erosion and sedimentation control plan. It also requires the Environmental Management Commission and the Sedimentation Control Commission to adopt rules to implement fast track permitting processes for stormwater management system permits and approval of erosion and sedimentation control plans, without a technical review when the applicant complies with the Minimum Design Criteria and submits a permit application sealed by a professional engineer.

HB 505: Animal Waste Management Systems

Rep. Ken Waddell

Establishes an alternative inspection program for animal waste management systems. Under prior law, the Department of Environment and Natural Resources conducted inspections for animal waste management systems, but under this legislation, the Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services will conduct inspections in Brunswick, Pender, Jones, and Columbus Counties. Local soil and water conservation districts serving those counties are responsible for complaints and reported problems.

SB 515: Lake Jordan Water Quality Act

Sen. Rick Gunn

Delays implementation of the Jordan Lake Rules and Jordan Lake Session Laws. The bill provides for alternative implementation of the protection of the existing Riparian Buffers Rule.







OKLAHOMA

Energy Legislation

Coal and Minerals

SB 343: Clean Coal Facilities

Sen. Mike Mazzei

Extends the coal tax credit until December 31, 2021, and the zero-emissions facilities tax credit until January 1, 2021. Currently, both credits are scheduled to sunset in 2014. The measure also converts the credits from transferrable credits to refundable credits beginning January 1, 2014. Unused credits as of January 1, 2014, would be refunded at 85 percent of the value of the credit. Refunds would be available to all taxpayers, including pass-through entities classified as S-Corporations. The measure clarifies that refunded credits would not be subject to income tax.

Natural Gas and Petroleum

HB 519: Motor Fuel Taxes for Liquefied Natural Gas

Sen. Rob Standridge

Lowers the motor fuel tax rate for liquefied natural gas (LNG) to \$0.05 per diesel gallons equivalent (DGE) beginning January 1, 2014. The lower tax rate would be in effect until the expiration of the tax credit for investments in qualified clean-burning motor vehicle fuel property. The tax credit is set to expire on January 1, 2015. The legislative intent is to allow the development of LNG distribution systems.

HB 1525: Petroleum Storage Tank Indemnity Fund

Rep. Bobby Cleveland

Amends annual reporting requirements to the legislature by the Corporation Commission regarding the Petroleum Storage Tank Indemnity Fund. The Corporation Commission must submit an annual report with total amount of funds needed to complete the corrective action plan and achieve closure of all open or pending claims. Also, the report must contain a detailed summary of the distribution of the imposed assessments, including the percentage distributed to each eligible fund and the state entity authorized to use the fund as compared to the total assessment collected during the preceding year.

HB 1781: Alternative Fuel Vehicles

Rep. Leslie Osborn

Authorizes the inspection of public-access compressed natural gas (CNG) stations by the Corporation Commission. The measure also amends qualifications for the clean-burning motor vehicle fuel tax credit by requiring that retrofits meet federal safety standards and be conducted by a technician who is certified in accordance with the Alternative Fuels Technician Certification Act.



HB 2005: Natural Gas Tax Credit

Rep. Skye McNiel

Extends the income tax credit for qualified clean-burning motor vehicle fuel property to January 1, 2020.

SB 166: Ad Valorem Tax Exemption

Sen. Mike Mazzei

Provides that the exemption from ad valorem tax by reason of the payment of the gross production tax will include the wellbore and non-recoverable downhole material, including casing, actually used in the disposal of waste materials produced with such oil or gas.

SB 191: Notice of Intent to Drill

Sen. Bryce Marlatt

Provides that before entering upon a site for oil or gas drilling, except in instances where there are non-state resident surface owners, non-state resident surface tenants, unknown heirs, imperfect titles, surface owners, or surface tenants whose whereabouts cannot be ascertained with reasonable diligence, the operator must give to the surface owner a written notice of his intent to drill containing a designation of the proposed location and the approximate date that the operator proposes to commence drilling. The notice must be given in writing to the surface owner in any manner as provided for in Oklahoma Statutes for the service by personal delivery or by mail of a summons in a civil action.

SB 332: Gross Production Tax

Sen. Mike Mazzei

Eliminates the requirement for gross production tax remitters to file zero monthly production tax reports. The measure also allows the Oklahoma Tax Commission to release certain information to any person or entity as it relates to oil and gas producing leases without a written request.

Reorganization and Coordination**HB 1684: Oklahoma Oilseed Commission**

Rep. Gus Blackwell

Recreates the Oklahoma Oilseed Commission until 2017 in accordance with the provisions of the Oklahoma Sunset Act.

HB 1691: Oklahoma Energy Resources Board

Sen. Gus Blackwell

Recreates the Oklahoma Energy Resources Board until 2021 in accordance with the provisions of the Oklahoma Sunset Act.



HB 2308: Tax Credit Eliminations

Rep. Scott Martin

Eliminates the gas used in manufacturing tax credit; the water treatment and pollution control facility tax credit; investment in equipment used for recycling, reuse, or source reduction of hazardous waste tax credit; the contribution to energy conservation assistance fund tax credit; the wind or photovoltaic energy systems tax credit; the qualified ethanol facilities tax credit; the eligible biodiesel facility tax credit; and the electric motor vehicle manufacturers tax credit.

SB 621: Oklahoma Energy Initiative

Sen. Ron Justice

Transfers all duties, obligations, and funding of the Oklahoma Bioenergy Center to the Oklahoma Energy Initiative and repeals sections of law creating the Bioenergy Center.

SB 767: Committee for Sustaining Oklahoma's Energy Resources

Sen. Bryce Marlatt

Transfers the duties, assets, and obligations of the Commission on Marginally Producing Oil and Gas Wells to the Committee for Sustaining Oklahoma's Energy Resources, which is a function of the Oklahoma Energy Resources Board.

SB 1011: Bureau of Standards and Requirements for Foresters

Sen. Eddie Fields

Repeals various statutes that establish advisory committees and procedures of the Oklahoma Department of Agriculture, Food, and Forestry (DAFF) that are no longer in use or the state Board of Agriculture no longer needs and in some cases reassigns the duties to the department or employees. The measure also provides that the Director of Laboratory Services, rather than the President of the State Board of Agriculture, will serve as Director of the Bureau of Standards and provides that the Director, rather than the Board of Control, will have charge of the operations of the Bureau. The measure also requires that registered foresters have one three-credit course in each of the following: silviculture, forest protection, forest management, forest economics, and forest utilization.

Utilities

HB 1932: Transmission Facilities

Rep. Mike Jackson

Grants to incumbent electricity transmission owners the right of first refusal to construct, own, and maintain a transmission facility approved for construction. The incumbent owner must respond to the Southwest Power Pool's "direction to construct" within 90 days of its receipt. If the owner does not respond within 90 days, the owner surrenders the right to construct, own, and maintain the electricity transmission facility.



SB 779: Movement of Utility Poles

Sen. Don Barrington

Allows the Department of Public Safety to issue an annual fleet oversized load permit to an electric utility or rural electric cooperative for the movement of poles. The annual fee for the permit is established at \$4,000.





OKLAHOMA

Environmental Legislation

Emergency Management and Homeland Security

SB 489: Radioactive Materials

Sen. Frank Simpson

Amends the Open Records Act by adding Department of Environmental Quality (DEQ) records related to sources of radiation, whether fixed or in transit, to the list of permissible confidential information.

Environmental Health Services

HB 1359: Animal Shelter Licensing

Rep. Brian Reneger

Requires that the Department of Agriculture oversee licensing and inspection of animal shelters. The measure defines animal shelter as any nongovernmental facility that maintains 10 or more dogs and cats operated by or under contract for the state, a county, a municipal corporation or any other political subdivision of the state, or any person or organization that maintains a facility for the impounding of cats and dogs. It does not include organizations that only operate through a system of fostering animals in private homes.

SB 402: Dangerous Dogs

Sen. Ron Justice

Provides that the owner of an animal from the canidae or felidae family will be liable for damages caused to livestock by the animals including reasonable attorney's fees and litigation expenses. Animal control officers may seize animals without a warrant if the animal continues to run at large; if the officer has probable cause to believe that the dog is a dangerous dog and a threat to livestock or people; or if the owner fails to meet requirements in statute related to registration, insurance, and enclosure. The court may issue an order requiring seizure upon the start of any civil action. Cost for seizure and confinement will be the responsibility of the owner or the nonprevailing party in any court action. "Potentially dangerous dog" is defined as a dog that unprovoked on more than one occasion was chasing or was a threat to livestock or people. "Dangerous dog" is defined as a dog that when unprovoked killed or injured livestock or was previously found to be a potentially dangerous dog and continues to be found chasing or being a threat.

SB 478: Superfund Sites

Sen. Charles Wyrick

Exempts Lead-Impacted Communities Relocation Trust land dispositions from certain statutory guidelines related to real property transactions.



Hazardous Waste and Substance Management

SB 33: Hazardous Waste Fuel Recycling

Sen. Ron Justice

Deletes references to repealed sections of law and amends exemptions provided in the Oklahoma Hazardous Waste Management Act. This bill removes prohibitions in the Oklahoma Hazardous Waste Management Act on burning hazardous waste for fuel.

Inland Water Resource Management and Conservation

HB 1923: Emergency Drought Relief Fund

Rep. Dale Dewitt

Creates the Emergency Drought Relief Fund and appropriates \$3 million to the fund. The measure also creates the Emergency Drought Commission, which will recommend fund expenditures to the Governor in the event of an emergency drought declaration.

HB 2193: Oklahoma Water Resources Board

Rep. Colby Schwartz

Grants the Oklahoma Water Resources Board bonding authority to provide necessary funds for the Water Infrastructure Credit Enhancement Reserve Fund. The measure adds no funding to the Reserve Fund and has no direct state fiscal impact.

SB 324: Catfish Noodling

Rep. Larry Glenn

Allows noodling of blue and channel catfish. Noodling is fishing for catfish using only bare hands and is practiced primarily in the southern United States.

SB 413: Public Water System Permits

Sen. Mike Schulz

Removes the prior permit application deadline for public water supply systems operating without a permit for construction work of any nature related to supplying water to the public from or by a public water supply system by means of any waterworks.

Land Management and Conservation

HB 1594: Deer Harvesting Descriptions

Rep. Steve Vaughan

Requires the Department of Wildlife Conservation (DWC) to disclose online or in published listings, by county of harvest, an antler description of deer harvested and the name of the hunter who harvested the deer. The hunter may choose to remain anonymous. The bill allows the DWC to use personal information for promotional purposes when license and permit holders voluntarily provide the information. Also, it allows any game warden or reserve game warden employed by the DWC to serve on local boards of education and municipal governing bodies, boards, commissions, or similar entities.



HB 1762: Burn Bans

Rep. Tommy Hardin

Modifies the definition of “extreme fire danger” to mean severe or exceptional drought conditions exist as determined by the National Oceanic and Atmospheric Administration (NOAA) pursuant to its criteria; no more than one-half inch of precipitation is forecasted for the next three days; and either fire occurrence is significantly greater than normal for the season and/or initial attack on a significant number of wildland fires has been unsuccessful due to extreme fire behavior, or where data is available, more than 20 percent of the wildfires in the county have been caused by escaped debris or controlled burning. It is unlawful for any person to set fire to any forest, grass, range, crop, or other wildlands, to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop, or other wildlands fire in any county of this state in which the board of county commissioners of the county has passed a resolution declaring a period of extreme fire danger.

HB 1999: Horse Slaughter

Rep. Skye McNiel

Prohibits the sale of horsemeat for human consumption in Oklahoma and authorizes the State Commissioner of Health (Commissioner) to have access to any transport vehicle, factory, warehouse, or establishment in which horsemeat or feed suspected of containing horsemeat is transported, manufactured, processed, packed, sold, or prepared. The Commissioner also may examine all sale and shipping records and embargo any article of food or horsemeat suspected of being in violation of the law. The measure also defines “properly labeled” as displaying the name and address of the original packer or processor and the word “horsemeat.” The measure repeals the law that prohibits the slaughter of horses for human consumption.

HB 1920: Feral Hog Hunting by Aircraft

Rep. Dustin Roberts

Authorizes the Oklahoma Department of Agriculture, Food, and Forestry to issue a permit to any landowner or any person who has contracted with a landowner to engage in the management of depredating animals by use of aircraft.

HCR 1012: Right to Farm Resolution

Rep. Scott Biggs

Recognizes that the rights of farmers and ranchers to engage in modern farming and ranching practices will be forever guaranteed in Oklahoma. It is the intent of the Oklahoma legislature that it will pass no law which abridges the right of farmers and ranchers to employ agricultural technology and modern livestock production and ranching practices.

SB 919: Aircraft Used to Hunt Feral Hogs

Sen. Ron Justice

Removes statutory language that requires a person to have a big game commercial hunting area license to use aircraft in the management of depredating animals and removes language that aircraft only be used on land listed in the commercial hunting area license. The measure defines aircraft as non-experimental, manned fixed wing, and



non-fixed wing aircraft registered with the Federal Aviation Administration. It will be unlawful to take depredating animals without a permit from October 1 through January 15.

SB 931: Agritourism

Sen. Ron Justice

Exempts agritourism professionals from liability for injuries incurred by a participant in agritourism activities as long as a warning is posted. The liability will not be limited if they are negligent or disregard safety or have knowledge of or should have known about a dangerous condition. Signs warning people of the risks they assume by participating in the activities must be posted in conspicuous locations.

SB 1053: Fencing

Sen. John Sparks

Makes it unlawful to knowingly cut or damage a fence that houses animals or domesticated game. The first offense would be a misdemeanor and a second offense would be a felony punishable by a fine up to \$1,000 and/or two years of imprisonment.

Reorganization and Coordination

HB 1482: High-Hazard Dams Study Group Elimination

Rep. Jason Murphey

Eliminates the High-Hazard Dams Study Group, whose report was due on December 25, 2009.

HB 1695: Scenic Rivers Commission

Rep. Gus Blackwell

Recreates the Scenic Rivers Commission until 2019 in accordance with the provisions of the Oklahoma Sunset Act.

SB 965: Water Resources Board of Directors

Rep. Bryce Marlatt

Modifies the composition of the Oklahoma Water Resources Board of Directors to represent nine regions, based on county boundaries, rather than congressional districts. The measure also adds “oil and gas production” to the list of required industries represented on the Board.

SR 25: Days of Prayer for Rain and Water

Sen. Ron Justice

Designates May 1, June 26, and September 18 as statewide Days of Prayer for Rain and Water.



Solid Waste

HB 1740: Licensure for Scrap Metal Dealers

Rep. Harold Wright

Authorizes the Oklahoma Department of Agriculture, Food, and Forestry to promulgate rules, procedures, and forms necessary to implement the Oklahoma Scrap Metal Dealers Act. The bill prohibits a scrap metal dealer from entering into any cash transactions in excess of \$1,000 in payment for the purchase of certain scrap metal. Payment by check must be issued and payable only to the seller whose identification has been established by a driver's license or other form of government identification. The measure increases the penalty for a person who provides false information for use in a scrap metal log book to a felony punishable by a fine of \$5,000, imprisonment for up to two years, or both fine and imprisonment. Also, the measure requires persons engaging in business as a scrap metal dealer to be licensed by the Oklahoma Department of Agriculture. It authorizes the collection of a \$100 application fee and \$100 investigation fee with a renewal fee of \$100. The DAFF may revoke licenses for certain causes.

SB 926: Energy Efficiency through Recycling

Sen. Rob Johnson

Declares that the measurable energy efficiency achieved through the cost-effective recovery and reuse of recyclable materials by energy-intensive industries is a state priority and will be encouraged by state regulatory agencies. "Energy-intensive industry" means an industry that uses significant quantities of energy as part of its primary economic activities.

Water Quality and Pollution Control

SB 25: Solid Waste Management Act Fees

Sen. Bryce Marlatt

Extends fees imposed by the Solid Waste Management Act to cover all nonhazardous solid waste disposed at Department of Environmental Quality permitted sites.

SJR 35: Incorporation of Federal Regulations into DEQ Rules

Sen. Ron Justrice

Approves proposed rules of the Department of Environmental Quality, including an increase of the annual fees for public water supply systems. These rules incorporate by reference certain federal regulations from July 1, 2011, to July 1, 2012, including regulations relating to the federal Ground Water Rule, the Long-term Enhanced Surface Water Treatment Rule, and the Stage 2 Disinfectants and Disinfection Byproducts Rule. Also, these rules update the analytical testing methods when using chloramines as a disinfectant.







PUERTO RICO

Energy Legislation

Natural Gas and Petroleum

HB 1277: Fuel Taxes

Rep. Jaime R. Perelló Borrás

Adjusts the taxes for petroleum-based products. The new tax per gallon is \$0.16 for gasoline; \$0.03 for jet fuel; \$0.04 for gas oil or diesel oil; and \$0.08 for other combustion fuels. In addition, crude oil, partially elaborated products or final products derived from oil, and any other hydrocarbon mix, excluding natural gas, will pay \$9.25 a barrel or any fraction of a barrel. These taxes will be subject to an inflationary adjustment of 1.5 percent a year, which will be effective every four years beginning July 1.







PUERTO RICO

Environmental Legislation

Land Management and Conservation

SB 319: Northeastern Ecologic Corridor

Sen. Luis D. Rivera Filomeno

Expands and makes permanent the protected status of lands along the Northeastern Ecologic Corridor (NEC), which totals 2,965 acres. The bill requires the Natural & Environmental Resources Department (DNER) to acquire the totality of the lands comprising the NEC, according to the Territorial Acquisition Plan approved in 2008. The DNER Secretary will obtain the control and acquire the lands through the purchase, donation, bequest, transfer or exchange, forced expropriation, or any legal tender, of the domain or right, of all the private estates in the NEC Reserve owned by a natural or legal entity. The DENR will have a term of eight years as of the enacting of SB 319 to finalize or complete the acquisition process.

Solid Waste

HB 3403: Residential and Commercial Used Oil and Grease Collection, Disposal and Recycling Program (Adopted on August 25, 2012)

Rep. Jenniffer A. González Colón

Directs the Waste Management Authority (WMA) to establish and maintain a “Residential and Commercial Used Oil and Grease Collection, Disposal and Recycling Program,” which regulates and provides for the collection of oil and greases used in the preparation of food items intended for human consumption. This bill enables the WMA to enter into agreements with the municipalities and form partnerships with nonprofit entities to provide the necessary mechanisms for the collection and recycling of cooking oil and grease. The legislature found that cooking oils are being frequently poured down drains and into the sewer system, which cause environmental and health hazards due to blocked pipes.







SOUTH CAROLINA

Energy Legislation

Energy Efficiency

SB 348: International Energy Conservation Code

Sen. Larry Martin

Provides that, notwithstanding provisions of the 2009 Edition of the International Energy Conservation Code, new wood-burning fireplaces must have tight-fitting flue dampers and outdoor combustion air. The legislation also provides that certain provisions of the 2012 International Residential Code regarding sprinklers cannot be enforced at any time before July 1, 2015.

SB 635: Green Building Standards

Sen. Katrina Shealy

Provides that a major facility project requesting third-party certification of energy efficiency and environmental green building standards for public construction projects will not be allowed to seek a rating point that would discriminate against wood products of South Carolina derived from forest lands certified by the Sustainable Forestry Initiative or the American Tree Farm System. Prior to this law, only certification from the Forest Stewardship Council was acknowledged in the rating process.

Utilities

HB 3568: Enhanced Penalties for Utility Tampering

Rep. David Weeks

Increases the penalties for repeat offenders who alter, tamper with, or bypass electric, gas, or water meters. This bill creates an offense of tampering with these meters for profit, and it provides a graduated penalty scheme when the tampering results in substantial property damage or the risk for great bodily injury or death. The legislation also creates an offense of tampering with meters in conjunction with growing or manufacturing illegal drugs. The legislation increases penalties for repeat offenders who unlawfully appropriate gas from another for use and provides a graduated penalty scheme when violations result in substantial property damage or the risk for great bodily injury or death. Penalties are also increased for repeat offenders who wrongfully use gas and interfere with gas meters. The bill provides a graduated penalty scheme when violations result in substantial property damage or the risk or great bodily injury or death.







SOUTH CAROLINA

Environmental Legislation

Coastal Zone Management

HB 3047: Gigging for Flounder

Rep. Nelson Hardwick

Makes it unlawful for a person to gig for flounder in salt waters during the daylight hours. The prohibition does not apply to underwater spear fishing. A violator is subject to a fine of up to \$100 or imprisonment for not more than 30 days.

HB 3557: Expansion of Tax Credit for Port Cargo Volume Increases

Rep. Gilda Cobb-Hunter

Expands the types of businesses that qualify for the tax credit for port cargo volume increases so that the credit also applies to businesses engaged in freight forwarding, freight handling, goods processing, cross docking, transloading, or wholesaling of goods. The Coordinating Council for Economic Development is afforded discretion in awarding credits. The legislation provides that taxpayers engaged in the movement of goods imported or exported through South Carolina's port facilities may be eligible for the credit if the cargo supports a presence in the state and meets other job and capital investment requirements.

HB 3735: Catch Limit for Black Sea Bass

Rep. Stephen Goldfinch, Jr.

Establishes that the lawful catch limit for black sea bass (*Centropristis striata*) is five fish per person per day or the same as the federal limit for black sea bass, whichever is higher. The lawful minimum size is 13 inches total length. Additionally, there is no closed season on the catching of black sea bass.

SB 96: Commissioners for Pilotage of the Upper Coastal Area

Sen. Raymond Cleary, III

Increases from six to eight the number of members on the Commission for Pilotage of the Upper Coastal Area, providing for two additional members to be appointed by the Governor upon the recommendation of the Georgetown County Legislative Delegation.

SB 305: Blue Crabs and Fish

Sen. Chip Campsen, III

Provides that it is unlawful to set a trap used for taking blue crab for commercial purposes within certain waters. Also, the legislation requires all wholesale seafood dealers to keep and retain accurate records and make technical changes to several geographic boundaries for bodies of water.



SB 559: Catch Limits for Flounder

Sen. Chip Campsen, III

Makes it unlawful for a person to take or possess more than 15 flounder taken in any one day and not to exceed 30 flounder in any one day on any boat.

SB 590: Tarpon Length Requirements

Sen. Chip Campsen, III

Establishes that it is unlawful to take or possess a tarpon that is less than 27 inches in fork length. "Fork length" is defined as the length of a fish laid flat and measured from the tip of the closed mouth (snout) to the center of the fork of the tail. It is a straight line measure, not over the curvature of the body.

Environmental Health Services

HB 3093: Abandoned Buildings Revitalization Act

Rep. James Smith, Jr.

Establishes provisions allowing a taxpayer making qualifying investments in the rehabilitation of an abandoned building to receive income tax credits or credits against property tax liability in an amount comprising up to 25 percent of rehabilitation costs. These tax credits are available through 2019.

SB 191: Locally Grown Foods in Schools

Sen. Danny Verdin, III

Creates a program within the South Carolina Department of Agriculture to foster relationships between South Carolina farms, school districts, and other institutions and to provide them with fresh and minimally processed foods for consumption by students.

Inland Water Resource Management and Conservation

HB 3571: Trotlines and Jugs

Rep. Liston Barfield

Allows a smaller hook size to be used to fish along all river systems and changes the color of the jugs to white on trotlines.

HB 3579: Gill Nets

Rep. Liston Barfield

Establishes that along the Little Pee Dee River upstream of Punch Bowl Landing, no net may be set within 27 feet of a gill net previously set, drifted within 75 feet of another drifting net, or placed or set within 75 feet of the confluence of a tributary.

SB 304: Freshwater Fishing

Sen. Katrina Shealy

Provides technical changes to the requirements for possession of game fish and revises the definition of the term "bait fish." The bill also changes the age requirement of persons in a boat that may use an unlimited number of fishing devices to 16, if they have a valid fishing license.



SJR 674: Public Use of Department of Natural Resources Lakes and Ponds

Sen. Chip Campsen, III

Approves the regulations of the Department of Natural Resources (DNR), relating to terms and conditions for the public's use of lakes and ponds owned and leased by the DNR.

Land Management and Conservation**HB 3097: Dry Cleaning Facility Restoration Trust Fund**

Rep. Jimmy Bales

Makes revisions to the Dry Cleaning Facility Restoration Trust Fund provisions that include authorization for the Department of Health and Environmental Control (DHEC) to expend funds, in excess of the property owner's deductible, for the prompt investigation and assessment of contaminated sites.

HB 3762: Unlawful Hunting of Wildlife

Rep. Harry Ott

Authorizes the Department of Natural Resources to seize property that is used in the unlawful hunting of deer or bear at night. When property is seized for a second offense, and the device is of greater value than \$5,000, the owner may at any time before sale redeem it by paying \$5,000 to the DNR. When the device is of lesser value than \$5,000, the owner may at any time before sale redeem it by paying the retail market value to the DNR. If there is a third or subsequent offense, the device must be forfeited to the state. Upon sale or redemption of a confiscated device, the DNR shall pay over the net proceeds, after payment of any proper costs and expenses of the seizure, storage, advertisement, and sale to the State Treasurer for deposit in the County Game and Fish Fund. The legislation adds animals, trailers, and other means of conveyance to the list of items seized for unlawful hunting of deer or bear at night that the DNR may release to an innocent owner or lien holder of the property. The legislation revises restrictions imposed on night hunting so that these restrictions do not apply to the killing of a coyote, armadillo, or feral hog.

SB 91: Deer Baiting

Sen. Chauncey Gregory

Authorizes deer baiting statewide by making it lawful to bait for deer in the Upstate's Game Zones 1 and 2.

SB 165: Alligator Hunting Season

Sen. Chip Campsen, III

Extends the alligator hunting season on private land so that it will run from September through May, rather than its current duration of September through mid-October.

SB 551: Antlered Deer

Sen. Tom Corbin

Provides that open season for antlered deer in Game Zone 1 with archery equipment and firearms is October 11 through January 1. The measure establishes that on Wildlife Management Area lands, the Department of Natural Resources may promulgate



regulations in accordance with the Administrative Procedures Act to establish seasons for the hunting and taking of deer.

SB 584: Hunting and Fishing Licenses

Rep. Chip Campsen, III

Allows the Department of Natural Resources to implement an annual wildlife fishing license for commercial and recreational purposes. If successful, the DNR has the option to implement the annual licenses to other areas. The bill provides that persons who are determined to be disabled must be receiving benefits under the various state and/or federal agencies and/or programs in order to obtain a three-year disability fishing license at no cost. The DNR may waive the proof of disability benefit requirement for renewals when the resident is at least 65 years old. Any person licensed by another state as a resident for any purpose is not eligible to apply for, obtain, or hold any South Carolina resident license, permit, stamp, or tag required by the title. It is unlawful to obtain, attempt to obtain, or possess a license, permit, stamp, or tag required by this title while licensed as a resident of another state for any purpose. Any person who lawfully acquires a resident South Carolina license, permit, stamp, or tag and who during the term of that instrument transfers their domicile outside of this state, may continue the privileges until expiration of that license, permit, stamp, or tag. The legislation provides that, if an apprentice hunting license is obtained, the certificate of completion requirement may be waived for one license year. If an apprentice hunting license holder obtains a certificate of completion prior to the expiration date, the apprentice hunting license will be used as a statewide hunting license, provided the certificate of completion is in possession while hunting.

SJR 641: Legalization of Falconry

Rep. Chip Campsen, III

Makes it lawful to engage in falconry from January 1, 2014, through December 31, 2014, and provides for the regulation of falconry. The legislation is offered as a means of bridging a regulatory gap as state regulation takes over from federal regulation of this hunting of wild quarry in its natural state and habitat by means of a trained bird of prey or raptor, so that there will be no interval during which falconry will be unlawful in South Carolina.


Solid Waste

HR 3543/SR 378: South Carolina Recyclers Day

Rep. David Hiott and Sen. Raymond Cleary, III

Recognizes and commends South Carolina's recyclers for their significant efforts to create jobs, promote energy efficiency, and improve the state's economy and declares Wednesday, February 20, 2013, as "South Carolina Recyclers Day."





TENNESSEE

Energy Legislation

Alternative Energy Development

HB 62/SB 1000: Green Energy Production Facility Property Taxes

Rep. David Hawk and Sen. Randy McNally

Increases, from 0.5 percent of acquisition value to one-third of the total installed cost, the rate at which machinery and equipment used to produce energy in a “certified green-energy production facility” is valued for purposes of property taxation. “Certified green energy production facility” means a facility certified by the Department of Environment and Conservation (TDEC) as producing electricity for use and consumption off the premises using clean energy technology. Clean energy technology is technology used to generate energy from geothermal, hydrogen, solar, and wind sources.

HB 54/SB 81: State Owned Motor Vehicle Fleets

Rep. Bill Spivey and Sen. Todd Gardenhire

Deletes the requirement that governmental agencies with state owned motor vehicle fleets submit annual energy conservation plan analyses to the comptroller.

HB 1193/SB 1270: Energy Efficiency Contracts

Rep. Shelia Butt and Sen. Joey Hensley

Requires that local board of education contracts for energy-related services be awarded on the basis of recognized competence and integrity and not be competitively bid. Contracts for energy-related services that include both engineering services and equipment and have as their purpose the reduction of energy costs in public schools or school facilities must be awarded on the basis of recognized competence and integrity and will not be competitively bid. In the procurement of engineering services, the local board may seek qualifications and experience data from any firm or firms licensed in Tennessee and interview such firm or firms. The local board must evaluate statements of qualifications and experience data regarding the procurement of engineering services, conduct discussions with such firm or firms regarding the furnishing of required services and equipment, and then select the firm deemed to be qualified to provide the required services and equipment. The local board must negotiate a contract with the qualified firm for engineering services and equipment at compensation which the local board determines to be fair and reasonable. In making such a determination, the local board must take into account the estimated value of the services to be rendered, the scope of work, complexity and professional nature thereof, and the value of the equipment. If the local board is unable to negotiate a satisfactory contract with the firm considered to be qualified, at a price determined to be fair and reasonable, negotiations must continue with other qualified firms.



HB 1268/SB 1307: High Performance Building Requirements

Rep. Andrew Farmer and Sen. Steve Southerland

Encourages the State Building Commission (Commission) to prescribe high performance building requirements and other standards, and promulgate rules, which meet or exceed the 2005 Sustainable Design Guidelines that the Commission implemented that are necessary to ensure all state buildings perform in an energy efficient manner. The Commission is prohibited from prescribing any high performance building requirement or any other standard, nor promulgating any rules, which require or permit any wood products harvested or manufactured in this state, or any wood products designed or manufactured by a forest products company that is headquartered in this state, to be in any way less preferred in the design and construction of state buildings than any wood products harvested or manufactured outside this state. Also, they cannot be in any way less preferred than any other wood products grown or harvested in this state that have been certified or graded by any certifying or grading association or agency, including, but not limited to, the Sustainable Forestry Initiative, the American Tree Farm System, or the Forest Stewardship Council.

Natural Gas and Petroleum

HB 375/SB 578: Petroleum Use Reduction by State Agencies

Rep. Rick Womick and Sen. Ferrell Haile

Changes the date by which the 20 percent target goal for state agencies to reduce or displace the use of petroleum products in state owned motor vehicle fleets must be met to January 1, 2015. This bill requires entities to initiate plan implementation by January 1, 2014.

HB 1272/SB 852: Energy Independence Act of 2013

Rep. Judd Matheny and Sen. Mike Ketron

Authorizes the Department of Environment and Conservation to implement a grant subsidy program for purchasing new vehicles or converting existing vehicles to accept compressed natural gas (CNG) or liquefied natural gas (LNG) as a fuel source for vehicles. Local government, school, and private fleet vehicles will qualify. Each entity receiving a grant will be required to purchase or convert a minimum of three cars. The grants will provide up to 50 percent of the incremental purchase cost of the vehicle or conversion. The maximum benefit per vehicle will be capped at \$25,000.

Reorganization and Coordination

HB 337/SB398: Tennessee Board of Water Quality, Oil and Gas Reclamation Fund

Rep. Tilman Goins and Sen. Steve Southerland

Renames the State Oil and Gas Board Reclamation Fund as the Tennessee Board of Water Quality, Oil and Gas Reclamation Fund.

HB 756/SB 350: Southern States Nuclear Compact

Rep. Judd Matheny and Sen. Mike Bell

Extends the sunset date of the Southern States Nuclear Compact to June 30, 2019.



HB 757/SB 349: Southern States Energy Board

Rep. Judd Matheny and Sen. Mike Bell

Extends the sunset date of the Southern States Energy Board to June 30, 2019.

HB 794/SB 334: Energy Efficient Schools Council

Rep. Judd Matheny and Sen. Mike Bell

Extends the termination date of the Energy Efficient Schools Council to June 30, 2014.

Utilities

HB 51/SB78: Loans for Municipally Owned Electric Systems

Rep. David Alexander and Sen. Jim Tracy

Allows all municipally owned electric systems to promote economic and industrial development through participation in the Rural Economic Development (RED) Loan and Grant Program. RED Loans and Grants are currently administered by the U.S. Department of Agriculture (USDA). The RED Loan program provides zero interest loans from the USDA to local utilities which then provide loans to local businesses; the local business directly repays the local utility who then repays the USDA. The maximum amount of a RED Loan is \$1,000,000. The RED Grant program provides grants to the local utility which then establishes a revolving loan program. Upon termination of the revolving loan fund, the grant is repaid by the local utility to the USDA. The maximum amount of a RED Grant is \$300,000. In the event a loan recipient defaults on a loan, the local utility will be responsible for repayment to the USDA, resulting in a possible increase in local government expenditures. The USDA requires a participating local utility to provide a 20 percent match of funds.

HB 116/SB 73: Utility District Board of Commissioners Vacancies

Rep. Bill Dunn and Sen. Becky Duncan Massey

Requires a county legislative body to appoint, by a majority vote, a person to fill a vacancy on a utility district board of commissioners in a single-county utility district, in the event a county mayor rejects all nominations provided by the county legislative body three times.

HB 350/SB 492: American National Standard Electrical Safety Code Standards

Rep. Susan Lynn and Sen. Ken Yager

Requires local electric supply companies or electric cooperatives to adopt the standards published in the 2011 version of the American National Standard Electrical Safety Code.

HB 940/SB 851: Underground Utility Damage Prevention Advisory Committee

Rep. Kent Calfee and Sen. Bill Ketron

Creates the Underground Utility Damage Prevention Advisory Committee to review Tennessee's Underground Utility Damage Prevention Program in order to evaluate its compliance with applicable federal requirements and to make recommendations to the General Assembly.



HB 1207/SB1319: Utilities' Cut-Off Procedures Act

Rep. Gary Odom and Sen. Steven Dickerson

Defines, as a reasonable good faith effort, the placing of a phone call or the sending of electronic mail to a utility customer, when giving notification of discontinuance of service by Davidson County utilities for nonpayment. However, if the utility customer has had a discontinuance of service for nonpayment in the previous four years, then there is no requirement for a call or electronic mail notification.





Environmental Legislation

Air Quality and Pollution Control

HB 403/SB 65: Weight Deductions for Emissions Reductions Technologies

Rep. Mike Sparks and Sen. Jim Tracy

Authorizes a freight motor vehicle to exceed the maximum gross weight requirements by a certain amount if the motor vehicle has installed idle-reduction technology or other emissions-reduction technology. This bill allows a tractor vehicle, freight motor vehicle, truck-tractor, trailer, and semitrailer operators, and operators of combinations of such vehicles, to deduct the weight of their idle-reduction technology or emissions-reduction technology, not to exceed the greater of the 550 pounds or the maximum amount allowed by federal law, for purposes of determining whether the vehicle exceeds the weight limit for operation on the roads.

HB 550/SB 943: Tennessee Air Quality Act Exemptions

Rep. Charles Curtiss and Sen. Steve Southerland

Requires that any municipality or county that receives a certificate of exemption from the Tennessee Air Quality Act from the air pollution control board for the purpose of enforcing such local government entity's own air quality regulations, which may be no less stringent than the state standards, must offer a process to grant waivers from its open burning regulations.

Emergency Management and Homeland Security

HB 1313/SB146: Waiver of Property Tax Penalties Effected by Coal Ash Spill

Rep. Kent Calfee and Sen. Ken Yager

Requires the waiver of all penalties and the reduction of interest to a rate of 5 percent imposed on any delinquent 2009 and 2010 real property taxes for delinquent taxpayers who owned real property that was demolished, destroyed, or substantially damaged as a result of a coal ash spill that occurred in Tennessee between December 1, 2008, and January 1, 2009. This legislation deems real property substantially damaged when, as a consequence thereof, it has been rendered unfit for use or occupancy or when the damage has reduced the value of the property by more than 50 percent.

Environmental Health Services

HB 197/SB 622: Successor Corporation Asbestos-Related Fairness Act

Rep. Andrew Farmer and Sen. John Stevens

Creates the "Successor Corporation Asbestos-Related Fairness Act" which establishes liability limits on asbestos-related claims against a corporation that assumes or incurs,



through merger or acquisition, the liability as a successor to the corporation that held the liability.

HB 256/SB 1040: Recovery of Costs for Nuisances

Rep. G.A. Hardaway and Sen. Brian Kelsey

Authorizes courts to assess costs required to abate or manage public nuisances, including, but not limited to, costs incurred by law enforcement to remedy environmental conditions caused by a public nuisance when issuing an order of abatement. The affected governmental entity will submit an estimate to the court for incurred costs.

HB 462/SB 581: Animal Seizures

Rep. William Lamberth and Sen. Ferrell Haile

Requires any animal seized by law enforcement to be placed with any governmental animal control agency, law enforcement agency, or their designee. The agency or designee responsible for the animal may petition the court to order the owner of the animal to post security in a sufficient amount to cover payment of all reasonable expenses expected to be incurred by the agency or designee in caring or providing for the animal, pending disposition of the criminal charges. This bill removes the ability of the court to suspend the posting of security if the owner is classified as indigent.

Hazardous Waste and Substance Management

HB 173/SB179: Hazardous Chemical Right to Know Law Repeal

Rep. Gerald McCormick and Sen. Mark Norris

Deletes the state's Hazardous Chemical Right to Know Law. This legislation requires each employer to comply with the requirements of the Occupational Safety and Health Administration's (OSHA) federal Hazard Communication Standard. Also, this bill adds additional state requirements for the communication of information to employees, employee training, providing information to fire chiefs, signage on buildings, and the completion of a workplace chemical list.

Inland Water Resource Management and Conservation

HB 60/SB764: Utility Management Review Boards

Rep. Roger Cane and Sen. Steve Southerland

Revises provisions governing utility management review boards reviewing rates charged and services provided by public utility districts. This bill requires the comptroller to annually provide a written report to the Speaker of the House of Representatives and the Speaker of the Senate listing the average annual water loss contained in the annual audit for those water systems and wastewater facilities operating with continuous financial losses.



HB 336/SB 396: Sundquist Wildlife Management Area

Rep. Tilman Goins and Sen. Steve Southerland

Deletes a cross-reference relating to licensing requirements for wholesale mussel and fish dealers in regard to recreational permits within the Sundquist Wildlife Management Area.

HB 840/SB 1007: Beech River Watershed Development Authority

Rep. Steve McDaniel and Sen. Dolores Gresham

Authorizes the Beech River Watershed Development Authority to develop or provide for the development of residential and commercial property existing within the Beech River system.

SJR 132: Restrictions on Boat Access on the Cumberland River

Sen. Mae Beavers

Expresses opposition by the General Assembly to the U.S. Army Corp of Engineers' plan to restrict boating access to sections of the Cumberland River near dams. This resolution urges the Nashville U.S. Army Corp of Engineers to work with local communities and the Tennessee Wildlife Resources Agency (TWRA) to develop alternative safety methods.

Land Management and Conservation

HB 154/SB 160: Natural Areas Preservation Act

Rep. Gerald McCormick and Sen. Mark Norris

Designates Beaman Park in Davidson County as a scenic-recreational area under the Natural Areas Preservation Act and updates the description of May Prairie in Coffee County to encompass 346 acres instead of 250 acres, a natural-scientific area. This bill reflects the acquisition of land by the Tennessee Wildlife Resources Agency.

HB 472/SB 627: Lead Recovery

Rep. Ron Lollar and Sen. Dolores Gresham

Deletes the authorization for the Tennessee Wildlife Resources Agency to recover lead from a shooting range on certain state property. According to the TWRA, the agency has never utilized, nor does it plan to utilize, the authorization to recover lead from the shooting range.

HJR 132/SJR 111: Land Reclamation

Rep. Andy Holt and Sen. Steve Southerland

Encourages the Department of Environment and Conservation and the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) to work together with the purpose of studying the feasibility of reestablishing plant and animal species native to Tennessee's coalfield areas. This resolution declares a goal of cooperation to encourage appropriate reclamation methods of coal mined lands in order to maximize the reestablishment of native species and to promote the environmental stewardship of reclamation.



Reorganization and Coordination

HB 138/SB 144: State Forestry Commission Appointments

Rep. Gerald McCormick and Sen. Mark Norris

Requires that appointments to the State Forestry Commission be confirmed by the General Assembly “as soon as practical, but before the end of the first session of the General Assembly following the appointment,” instead of “prior to beginning such member's term of office.” This legislation clarifies that a person who is appointed to finish an unexpired term on the State Forestry Commission will be a voting member from the time of appointment.

HB 834/SB 348: Soil Scientist Advisory Committee

Rep. Judd Matheny and Sen. Mike Bell

Extends the Soil Scientist Advisory Committee to June 30, 2014.

HB 1066/SB 1232: Water Environmental Health Act Administration

Rep. Kelly Keisling and Sen. Jim Tracey

Transfers administration of the Water Environmental Health Act from the Department of Environment and Conservation to the Department of Commerce and Insurance (C&I). This legislation adds an additional member to the Water and Wastewater Operator Certification Board.

Solid Waste

HB 55/SB 82: Solid Waste Authorities Accounting Practices

Rep. Cameron Sexton and Sen. Mike Bell

Requires county or municipal solid waste authorities to account for financial activities in accordance with generally accepted accounting principles. This bill requires sufficient detail in the annual financial report of a solid waste authority to explicitly identify revenue and expenditures, when such authority does not utilize a separate special revenue fund for identifying revenue and expenditures.

HB 877/SB1349: Waste Tire Fees

Rep. Steve McDaniel and Sen. Ken Yager

Mandates that a minimum of \$1 of each tire pre-disposal fee be returned to the county where the fee was collected to be used for waste tire disposal. A fee of \$1.35 is imposed on each new tire sold in Tennessee. This legislation requires that counties include data on how many waste tires it manages and what is done with them in an annual progress report to the Department of Environment and Conservation.

HB 945/SB 945: Aluminum Cans and Plastic Bottles

Rep. Art Swann and Sen. Steve Southerland

Provides that any region will be permitted to multiply by three the gross weight of any aluminum cans and plastic bottles that are diverted from Class I municipal solid waste disposal facilities and incinerators located within the geographic area encompassed by the region for purposes of calculating the total percentage waste reduction and diversion achieved by the region. The goal of the state is to reduce by 25 percent the amount of



solid waste disposed of at Class I municipal solid waste disposal facilities and incinerators, measured on a per capita basis within Tennessee by weight. The goal also applies to each municipal solid waste region.

HB 952/SB1160: Landfill Classification Modifications

Rep. Tim Wirgau and Sen. John Stevens

Requires that prior to accepting any waste that would require a change in the classification of a landfill to a classification with higher standards, the landfill operator must first submit the proposal to accept the waste to the county legislative body in which the proposed landfill is located, if such new construction is located in an unincorporated area; both the county legislative body and the governing body of the municipality in which the proposed landfill is located, if such new construction is located in an incorporated area; or both the county legislative body of the county in which such proposed landfill is located and the governing body of any municipality which is located within one mile of such proposed landfill. After submission to the county legislative body or municipality, the legislative body of the county, municipality, or both must give public notice and an opportunity for public hearing on the proposal. Within 30 days after such notice and a public hearing is provided, the legislative body of the county or municipality must approve or disapprove the proposal using the same criteria that the body would use in evaluating proposed new construction for solid waste disposal or processing by a landfill. Judicial review of the legislative body's determination would be a de novo review before the chancery court for the county.







TEXAS

Energy Legislation

Alternative Energy Development

HB 2500: Solar Energy Property

Rep. Dwayne Bohac

Amends Chapter 23, of the Tax Code, to require a chief appraiser to use a specified cost method of appraisal to determine the market value of solar energy property installed after January 1, 2014. The bill also defines “solar energy property” and specifies that the term include commercial storage devices, power conditioning equipment, transfer equipment, and necessary parts for these items.

Coal and Minerals

HB 341: Certain Mineral Interest

Rep. Jim Pitts

Addresses the issue of exceptional eminent domain by prohibiting the North Texas Tollway Authority (NTTA) from acquiring mineral interests from a property subject to condemnation. Under previous law NTTA had the authority to condemn mineral rights when using eminent domain to construct a toll road and had exercised that right in the past. However, the Texas Department of Transportation (TxDOT) and other related entities do not have similar authority to condemn oil, gas, and sulfur rights when condemning property.

HB 724: Commission to Study Unclaimed Land Grant Mineral Proceeds

Rep. Ryan Guillen

Creates a commission to study unclaimed land grant mineral proceeds in order to determine, among other information, efficient and effective procedures under which the state may be required to determine the owners of the proceeds, notify the owners of the proceeds, and distribute such proceeds to the rightful owners.

Oil and gas production companies send royalty payments to the Comptroller of Public Accounts of the State of Texas (Comptroller) when they are unable to find the rightful owners to land grant mineral proceeds. Although there has been a procedure for rightful heirs to claim the proceeds, interested parties contend that the procedure has proven insufficient because the Comptroller lacks the data needed to distribute the money. As a result, the Comptroller continues to hold this money.



HB 2892: Disposal of Real Property and Mineral Interests by the Board of Regents of the Texas A&M University System

Rep. John Raney

Amends the Education Code relating to the authority of the Board of Regents of the Texas A&M University System to dispose of real property and mineral interests under its jurisdiction.

SB 1240: Mineral Interests of a Charitable Trust

Sen. Robert Duncan

Amends the Property Code, Section 124.002, to provide that a charitable trust may not be ordered to sell its ownership of a mineral interest in a judicial proceeding unless the trust has refused to execute a reasonable mineral lease to the plaintiff or petitioner in the judicial proceeding.

Energy Efficiency

SB 385: Assessments for Water and Energy Improvements

Sen. John Carona

Amends the Local Government Code to authorize an assessment to be imposed to repay the financing of a “qualified project,” which means the installation or modification of a permanent improvement fixed to real property and intended to decrease water or energy consumption or demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature.

SB 385 authorizes the governing body of a municipality or county to determine that it is convenient and advantageous to establish a program and it authorizes an official of a local government that establishes a program to enter into a written contract with the record owner of real property in a designated region to impose an assessment to repay the owner's financing of a qualified project on the owner's property. The bill requires the financing to be repaid through assessments to be provided by a third party or, if authorized by the program, by the local government.

Also, the legislation authorizes the governing body of a local government to determine that it is convenient and advantageous to designate an area of the local government as a region within which authorized local government officials and record owners of real property may enter into written contracts to impose assessments to repay the financing by owners of qualified projects on the owners' property and, if authorized by the local government program, finance the qualified project.

The legislation sets out actions that a local government must take to establish a program, including adopting a resolution of intent, holding a public hearing, and adopting a resolution establishing the program and the terms of the program; authorizes a local government that establishes a program to hire and set the compensation of a program administrator and program staff, or contract for necessary professional services, and to impose fees to offset the costs of administering the program; and sets out the required elements of the report regarding the assessment



imposed on real property under the program. The bill requires the local government to make the report available for public inspection on the local government's Internet website and at the office of the official designated to enter into written contracts on behalf of the local government under the program.

SB 385 requires a program established under the bill to require for each proposed qualified project a review of water or energy baseline conditions and the projected water or energy savings to establish the projected water or energy savings; authorizes the proposed arrangements for financing a qualified project to authorize the property owner to purchase directly the related equipment and materials for the installation or modification of a qualified improvement; and requires a local government that authorizes financing through contractual assessments to file written notice of each contractual assessment in the real property records of the county in which the property is located and sets out the required content of the notice.

SB 533: Energy Savings Performance Contracts

Sen. Judith Zaffirini

Amends the Education Code and Government Code to require guidelines relating to the process for awarding energy savings performance contracts at institutions of higher education and state agencies, respectively, to require the Texas Higher Education Coordinating Board and the State Energy Conservation Office (SECO), as applicable, to review any reports submitted to provide an analysis on a periodic basis of those cost savings to the institution's governing board or state agency, as applicable, and the Legislative Budget Board until the governing board or state agency, as applicable, determines that the analysis is no longer required to accurately measure cost savings.

SB 700: Energy and Water Management Planning and Reporting

Sen. Glenn Hegar

Amends Section 447.009 of the Government Code to direct the State Energy Conservation Office to develop a template for state agencies and institutions of higher education to use in preparing their comprehensive energy and water management plans; direct those agencies and institutions to set percentage goals for reducing their use of water, electricity, gasoline, and natural gas and include those goals in their comprehensive energy and water management plan; and direct those agencies and institutions to update their plan annually. The measure would codify certain provisions of Executive Order RP49 and integrate it into provisions relating to requirements in Section 447.009 of the Government Code.

The amendment implements a recommendation in the report "Improve Utility Reporting To Ensure State Entities Are Effectively Managing Water Use" in the Legislative Budget Board's Government Effectiveness and Efficiency Report.

The bill also directs SECO to submit a biennial report to the Governor and the Legislative Budget Board on the status and effectiveness of the utility management and conservation efforts of state agencies and institutions of higher education and to post the report on SECO's Internet website.



Natural Gas and Petroleum

HB 878: Filing of Electronic Logs by Operators of Oil-Related or Gas-Related Wells

Rep. Myra Crownover

Improves efficiency in regard to the filing of well logs by operators of oil-related or gas-related wells by allowing electronic filing of those required reports with the Railroad Commission of Texas (RRC).

HB 2148: Motor Fuel Tax on Compressed Natural Gas and Liquefied Natural Gas

Rep. Harvey Hilderbran

Amends Chapter 162 of the Tax Code, regarding motor fuel taxes, to add new Subchapter D-1 to change the way in which tax is paid and collected on both compressed natural gas (CNG) and liquefied natural gas (LNG) used as a motor fuel in motor vehicles.

Under current law, the tax is paid annually via a liquefied gas tax decal that must be displayed on the windshield of the motor vehicle. The liquefied gas tax decal, for both CNG and LNG, is based on a tax rate of \$0.15 per gallon. The bill leaves the tax rate on both CNG and LNG unchanged at \$0.15 per gallon but imposes the tax upon the delivery of CNG or LNG into the fuel supply tank of a motor vehicle. Each licensed CNG and LNG dealer will remit the tax collected monthly to the Comptroller.

The bill also provides an exception to the new subchapter for certain public transportation providers using CNG or LNG, who could instead choose to pay the liquefied gas tax under the existing provisions of Subchapter D, Chapter 162, Tax Code.

The current tax exemptions allowed for CNG and LNG remain unchanged in the new subchapter.

HB 2446: Advanced Clean Energy Projects

Rep. Myra Crownover

Amends Chapter 171, Tax Code, regarding the franchise tax, by moving provisions from the Government Code for a franchise tax credit for a clean energy project to Chapter 171. The bill also amends the provisions for this tax credit by setting the limit on the amount of credit that could be claimed on a report to not more than the amount of tax due for the franchise tax report after any applicable credits. It provides that credits that could not be claimed due to the limitation could be carried forward for not more than 20 consecutive reports. The measure allows the entity designated in the certificate of compliance for a clean energy project to assign the credit to one or more taxable entities that would be able to claim the credit under the same provisions as the transferring entity. The statute also provides that the Comptroller cannot issue a credit prior to the latter of September 1, 2018, or the expiration of a limitation of taxable value agreement under Chapter 313 regarding the clean energy project.



The bill amends the Health and Safety Code to add natural gas to the fuels (coal, biomass, petroleum coke, solid waste, or fuel cells using hydrogen derived from such fuels) potentially eligible to be used in an advanced clean energy project. It also adds a provision regarding sulfur dioxide emissions at a project involving use of natural gas as a fuel.

Further, it amends the Natural Resources Code to add a natural gas-fueled electric generating facility to the type of facilities that could qualify as a clean energy project. The bill sets the time at which an entity could apply for certification as a clean energy project to on or after September 1, 2018, and specifies that not more than one of the three projects certified could be a natural gas project. In addition, a natural gas project used in the generation of electricity and qualifying for the tax credit will be required to capture not less than 50 percent of the carbon dioxide in the portion of the emissions stream from the facility that is associated with the project and sequesters that captured carbon dioxide by geologic storage or other means.

HB 2571: Production, Transportation, Sale, and Marketing of Oil and Gas from State Land

Rep. James Keffer

Adds deadlines and penalties for producing the books and accounts, receipts, and discharges of all lines, tanks, pools and meters and all contracts and other records relating to the production, transportation, sale, and marketing of oil and gas.

HB 2982: Transportation by Pipeline of Hazardous Liquids, Carbon Dioxide, and Natural Gas in Rural Locations

Rep. James Keffer

Provides rules adopted by the Railroad Commission of Texas that apply to the intrastate transportation of hazardous liquids and carbon dioxide by gathering pipelines in rural locations and intrastate hazardous liquid and carbon dioxide gathering pipeline facilities in rural locations be based on risks the transportation and the facilities present to public safety.

The bill also authorizes the RRC to establish safety standards for gathering facilities and transportation activities in certain locations to the extent the rules would be consistent with federal law and as necessary to maintain the maximum degree of federal program delegation.

The legislation requires the RRC to adopt rules to require that an application for a permit to drill an oil or gas well include an affirmation as to whether or not the well is located inside or within 50 yards of an easement held by the Texas Department of Transportation. The RRC will be required to notify TxDOT within 14 days of receipt of an application for a permit to drill located inside or within 50 yards of an easement held by TxDOT. The bill explicitly states that no authority would be provided to TxDOT with regard to the approval of an application for a permit to drill an oil or gas well.



SB 514: Saltwater Pipeline Facilities

Sen. Wendy Davis

Amends the Natural Resources Code to entitle a saltwater pipeline operator to install, maintain, and operate a saltwater pipeline facility through, under, along, across, or over a public road only under certain conditions.

The bill defines “saltwater pipeline facility” as a pipeline facility that conducts water containing salt and other substances produced during drilling or operating an oil, gas, or other type of well and specifies that the term includes a pipeline facility that conducts flowback and produced water from an oil or gas well on which a hydraulic fracturing treatment has been performed to an oil and gas waste disposal well for disposal. The measure defines “saltwater pipeline operator” as a person who owns, installs, manages, operates, leases, or controls a saltwater pipeline facility.

SB 514 authorizes the Texas Transportation Commission, the commissioners' court of a county, or the governing body of a municipality, as applicable and except as provided by Transportation Code provisions relating to reimbursement by the state for a relocation of a utility facility, to require a saltwater pipeline operator to relocate a saltwater pipeline facility at the cost of the saltwater pipeline operator to accommodate construction or expansion of a public road or for any other public work unless the saltwater pipeline operator has a property interest in the land occupied by the facility to be relocated. The bill requires that 30 days' written notice of such a required relocation be given to the saltwater pipeline operator and sets out the requirements for this notice.

The statute prohibits its provisions from being construed to limit the authority of a saltwater pipeline facility to use a public right-of-way under any other law; from being construed to affect the authority of a municipality to regulate the use of a public right-of-way by a saltwater pipeline operator under any other law or to require payment of certain applicable charges under the tax code; or from being construed to require a county or municipality to grant a right to a saltwater pipeline operator that applies to a public road or right-of-way and that is broader than the county's or municipality's legal interest in the public road or right-of-way or to require a county or municipality to grant more than a surface right to a saltwater pipeline operator in a right-of-way acquired by prescription.

Finally, SB 514 makes a Local Government Code provision prohibiting a municipality from enforcing certain deed restrictions regarding a public utility and Transportation Code provisions relating to reimbursement by the state for a relocation of a utility facility, to utility relocation costs, and to certain use of money in a county road and bridge fund applicable to saltwater pipeline operators and saltwater pipeline facilities in the same manner as such provisions apply to utilities and utility facilities.



SB 901: Safety Standards and Practices Applicable to the Transportation by Pipeline of Certain Substances

Sen. Troy Fraser

Updates and regularizes citations to federal pipeline safety laws in the state statutes administered by the Railroad Commission of Texas.

Chapter 117 (Hazardous Liquid or Carbon Dioxide Pipeline Transportation Industry), Texas Natural Resources Code, and Chapter 121 (Gas Pipelines), Texas Utilities Code, contain references to federal pipeline safety laws that are the source of delegated authority to the RRC for the pipeline safety program. The references are inconsistent and outdated.

SB 1063: Inclusion of Natural Gas as a Public Facility

Sen. Glenn Hegar

Adds a section to the Public Facility Corporation Act to expressly include as a “public facility” any natural gas purchased for resale to a local government under a cooperative purchasing contract with the public facility corporation’s sponsor that is authorized by Section 791.025 (Contracts for Purchases) of the Interlocal Cooperation Act.

The bill enables the Attorney General to approve bonds issued by public facility corporations to finance the acquisition of natural gas for resale to local governments through a cooperative purchasing program when a sponsor concludes that financing such gas will benefit Texas municipal utilities by increasing their buying power, realizing economies of scale, or otherwise. Issuing bonds for this purpose is expected to help minimize the gas and electric charges paid by customers of Texas municipal gas and electric utilities.

SB 1747: Funding and Donations for Transportation Projects, including Projects of County Energy Transportation Reinvestment Zones

Sen. Carlos Uresti

Amends the Transportation Code to allow counties to designate County Energy Transportation Reinvestment Zones (CETRZ) in order to promote transportation infrastructure projects in areas affected by oil and gas exploration and production activities. The bill allows counties to use revenue from taxes designated to a CETRZ to finance certain transportation projects and authorizes a road utility district, if approved by the Transportation Commission as provided by Chapter 441, to be formed that has the same boundaries as a CETRZ. The district may authorize bonds to pay for the costs of a transportation infrastructure project.

The legislation also establishes a Transportation Infrastructure Fund (TIF) as a dedicated fund inside the Treasury outside the General Revenue Fund consisting of any federal funds received by the state deposited to the credit of the fund and any required state matching funds, money appropriated to the credit of the fund by the legislature, any fees paid into the fund, or other revenue or returns from the investment of money in the fund. Money in the TIF could only be appropriated to the Texas Department of Transportation to implement the provisions of the bill.



Finally, the bill requires TxDOT to develop policies and procedures to administer a grant program for transportation infrastructure projects located in areas of the state affected by increased oil and gas production. To be eligible for a grant, a county will be required to provide matching funds in an amount equal to at least 20 percent of the amount of the grant. A county that TxDOT determines is economically disadvantaged will be required to provide matching funds in an amount equal to at least 10 percent of the amount of the grant. The bill requires TxDOT to administer the grant program and authorizes TxDOT to use up to one-half of 1 percent of the total amount deposited to the TIF in the previous fiscal year, not to exceed \$500,000 in a state fiscal biennium, for administrative costs.

Reorganization and Coordination

HB 1600: Public Utility Commission of Texas

Rep. Byron Cook

Continues the operations of the Public Utility Commission (PUC), transfers certain functions from the Texas Commission on Environmental Quality (TCEQ) to the PUC, including authority over rates for water service, and functions related to water and consumers to the Office of Public Utility Counsel (OPUC). The PUC is subject to the Sunset Act, and HB 1600 continues the PUC for 10 years.

The bill authorizes the PUC to issue emergency cease and desist orders to electric industry participants and defines notice and hearing requirements for such orders. It requires the PUC to adopt rules to provide for the renewal of registrations or certificates for holders of a Certificate of Operating Authority and holders of a Service Provider Certificate of Operating Authority and repeals Section 64.003 of the Utilities Code, which contains requirements for the PUC to promote customer awareness of changes in the telecommunications market.

HB 1600 also requires the PUC to review and approve the budget, performance measures, and proposals for obtaining debt financing or re-financing of debt of an entity certified under Section 39.151 of the Utilities Code, including the Electric Reliability Council of Texas (ERCOT). It requires the PUC to set a fee range for the system administration fee and review the fee to ensure that the revenues generated closely match the revenue necessary to fund ERCOT's budget.

The legislation transfers responsibility for regulating water and wastewater rates, services, and certificates of convenience and necessity from TCEQ to the PUC, effective September 1, 2014.

Finally, the bill provides OPUC the authority to represent the interests of residential and small commercial customers in water and wastewater proceedings beginning September 1, 2013. It creates three classes of water utilities based on the number of taps or connections and establishes a different rate review procedure for each class.



HB 1966: Infrastructure Improvements for Municipal Area Development and Revitalization

Rep. Joe Deshotel

Provides additional flexibility for the use of economic development funds so that communities with historically high unemployment rates can use the funds for critical infrastructure improvements.

The legislation also amends current law relating to a project that may be undertaken by certain development corporations in connection with infrastructure improvements necessary for municipal area development and revitalization.

These projects include water and sewer utilities, electric utilities, gas utilities, drainage, site improvements, and erosion control.

HB 2300: County Energy Transportation Reinvestment Zones

Rep. James Keffer

Amends Chapter 222 of the Transportation Code relating to the creation of County Energy Transportation Reinvestment Zones. The commissioners' court of a county, after determining that an area is affected by oil and gas exploration and production activities, may designate a contiguous geographic area in the jurisdiction of the county to be a transportation reinvestment zone (TRZ) to promote a transportation project.

The bill authorizes the county commissioners' to pay an amount equal to the tax increment produced by the county into a tax increment account less any amounts allocated under previous agreements to construct or maintain roads in the zone.

The provisions establish requirements regarding an advisory board for the zone; and for the creation of a Road Utility District (RUD). The RUD may issue bonds and pledge all or a specified amount of money in the tax increment account to secure bonds. The commissioners' court will be authorized to accept donations of labor, money, or other property to aid in the building or maintaining of roads in the county or counties.

HB 2532: Regulation of Propane Distribution System Retailers

Rep. Paul Workman

Establishes standards for distribution system retailers who supply propane gas to residential or commercial end users, bringing those entities under the ratemaking jurisdiction of the Railroad Commission of Texas. The bill applies to systems that supply propane gas through a contiguous piping system to at least 10 customers. The bill does not apply to retail or wholesale sale of propane gas.

Statutory provisions set forth in the bill will regulate fees and rates charged by distribution system retailers. In addition, the bill prohibits the disconnection of service in certain circumstances and provides for customer complaint handling. The RRC is required to establish a toll-free number for customers to report service interruptions not caused by a distribution system retailer's refusal to serve. The RRC will be required to immediately investigate such reports, and the agency would be authorized to coordinate a refund to the customer, when applicable.



The bill also requires that each distribution system retailer submit to the RRC, on a quarterly basis, records of emergency and scheduled service interruptions lasting more than four hours and affecting more than two customers.

The measure also requires propane distribution system retailers to record a notice of disclosure of the existence of the propane gas system in the real property records in each county in which the retailers own or operate propane gas systems, including a map of the location of the areas served by the retailer.

SB 795: Composition and Powers of a Governing Body in Certain Municipalities

Sen. Eddie Lucio, Jr.

Amends the Government Code to authorize the management and control of a utility system in a municipality located in a county with a population of at least 375,000 that is located on an international border and that borders the Gulf of Mexico to be vested in a board of trustees named in the proceedings adopted by the municipality and consisting of not more than seven members, one of whom must be the mayor of the municipality.

SB 795 also amends the Local Government Code to authorize the governing body, board of trustees, or other entity vested with the management and control of such a municipality's utility system to contract for the purchase of electricity under terms the governing body, board of trustees, or other entity considers appropriate.

SB 900: Penalties by the Railroad Commission of Texas

Sen. Troy Fraser

Increases the maximum penalty amounts for violations of certain statutes administered by the Railroad Commission of Texas. Additionally, it specifies that the bill's provisions will not create an exception to the applicability of a pipeline safety requirement provided under Utilities Code, Chapter 122, or a penalty for a violation of such a requirement.

The RRC reports that its pipeline safety programs reimbursements from the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) are based on a point system, and the program currently is being penalized because statutory penalty amounts in Texas law do not match the amounts in federal law. Passage of this bill aligns the penalty amounts with the federal amounts, which should result in the restoration of points for the pipeline safety program. This should also result in the receipt of additional federal funds by the RRC.

SB 916: Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee

Sen. Craig Estes

Amends the Agriculture Code to establish that a quorum of the Texas Bioenergy Policy Council or of the Texas Bioenergy Research Committee consists of not less than half of the members of the policy council or of the research committee, as applicable. The bill authorizes a member who participates in a meeting of such a body by telephone



conference call, videoconference, or other similar telecommunication method to be counted to establish a quorum of that body.

The statute also authorizes the policy council or research committee, as applicable, to hold an open or closed meeting by telephone conference call, videoconference, or other similar telecommunication method if notice is given for the meeting as for other meetings, the notice specifies a location for the meeting at which the public may attend, each part of the meeting that is required to be open to the public is audible to the public at the location specified in the meeting notice, and the meeting is recorded by electronic or other means and the recording of each portion of the meeting that is required to be open to the public is made available to the public.

Finally, the legislation authorizes a member of the policy council or the research committee, as applicable, to participate by telephone conference call, videoconference, or other similar telecommunication method in a policy council or research committee meeting, as applicable, at which other members are physically present and may vote.

Utilities

HB 200: Liability of Certain Electric Utilities

Rep. Jim Murphy

Assists in the development of hike and bike trails in Harris County. The bill encourages electric utility companies to enter into recreational use agreements with a political subdivision by limiting the liability of the electric utility. The measure establishes that such limitations do not limit the liability of the electric utility for serious bodily injury or death of a person proximately caused by the electric utility's willful or wanton acts or gross negligence with respect to a dangerous condition existing on the premises. The bill makes the *doctrine of attractive nuisance* inapplicable to a claim subject to limitations. The law authorizes the written agreement between the political subdivision and the electric utility to require the political subdivision to provide or pay for insurance coverage for any defense costs or other litigation costs incurred by the electric utility for damage claims.

Further, HB 200 authorizes a person to appeal from an interlocutory order of a district court, county court at law, or county court that denies a motion for summary judgment filed by an electric utility regarding liability in a suit subject to the bill's provisions.

HB 796: Licensing of a Journeyman Lineman

Rep. Senfronia Thompson

Defines line work in statute and creates an alternative journeyman license and standard for the individuals performing lineman work in Texas. It does not expand the requirement for licensure for those who are not licensed today.

Electricians in Texas are required to have a license to do electrical work. Journeyman linemen who work for utilities are not required to have a license to do lineman work as long as they work directly for the utility. Increasingly, some private industries now have their own substation, distribution, and/or transmission facilities but work on these



facilities requires a license. Workers who seek to work as journeyman linemen in these private industry settings may seek licensing as an electrician but face two problems under current law in securing a license for this work.

First, to be eligible to take the test for an electrician's license, an individual must have worked for 7,000 hours under a master electrician. Utilities do not use a master electrician, so linemen cannot meet that requirement. Second, the nature of line work is very different from that of an electrician and involves very different skills and knowledge. Thus, because they are unable to be licensed as electricians, these workers are not able to take advantage of these lineman journeymen opportunities in the private industry.

HB 994: Newly Constructed Commercial Nuclear-Powered Electric Generating Facilities

Rep. Dennis Bonnen

Extends the construction deadline for funding eligibility established by HB 1386 (2007) to January 1, 2033.

HB 1386 established a state funding program for decommissioning to ensure that new nuclear generating projects in Texas's competitive market can satisfy U.S. Nuclear Regulatory Commission (NRC) requirements and can adequately protect customers.

Construction of a proposed nuclear project must have begun before January 1, 2015, in order to qualify for the HB 1386 program. At the time HB 1386 was passed, one or more proposed projects were expected to meet this requirement. However, due to recent international industry events, the current economic environment, and low natural gas prices, no proposed projects or any future projects that may take advantage of breakthrough technologies can meet this construction deadline.

This legislation extends the construction deadline until January 1, 2033, preserving the option for development of economically feasible nuclear generation in Electric Reliability Council of Texas for 20 years. The bill makes no other changes to the program established by HB 1386 or to the subsequent Public Utility Commission rules implementing the program.

HB 1086: Interruption of Electric Service by a Residential Landlord

Rep. Eddie Rodriguez

Provides that in order for a landlord to disconnect electric service, he or she is required to present a written lease as a reminder to the tenant and the electric bill is required to have remained unpaid for at least 12 days after the date the bill was issued. The provisions require the notice to display the words "electricity termination notice;" provide the date that electric service will be interrupted if the bill remains unpaid; include the amount that is required to be paid; provide a location where the landlord may be met during business hours to accept payment; include a statement that the electric payment cannot be applied to rent or other amount owed under the lease; and describe the tenant's right to avoid interruption of services if interruption would cause the tenant to become seriously ill.



In addition, a landlord is prohibited from discontinuing service on a day which the preceding day's temperature did not rise above freezing and the National Weather Service predicted the temperature to remain or fall further below freezing over the course of 24 hours. The same rule applies if there was a heat advisory issued in the area. Provisions encouraging deferred payment plans are also included.

HB 1772: Disconnection of Electric or Gas Utility Service

Rep. Chris Turner

Requires written notice to be provided to tenants and to the municipality in which the apartment complex is located of a pending disconnection in gas or electric utility service in multi-family properties with non-submetered utility connections.

HB 2049: Cogeneration Facility's Ability to Sell Electric Energy to Multiple Purchasers

Rep. Dan Huberty

Amends the Utilities Code to allow a qualifying cogenerator to sell electric energy at retail to more than one purchaser of the cogenerator's thermal output. The bill also provides that selling electric energy at retail to more than one purchaser would not, as a result of that sale, subject a qualifying cogenerator to regulation as a retail electric provider, power generation company, or retail electric utility under certain conditions outlined in the provisions of the bill.

HB 3355: Cable Operators' Attachments on Distribution Poles Owned or Controlled by Electric Cooperatives

Rep. Byron Cook

Adds Chapter 252 to the Utilities Code to establish requirements for cable operators' attachments on distribution poles owned or controlled by electric cooperatives, including procedures for construction; pole attachment contracts; transfer and removal of attachments; and easements.

SB 349: Standards for Power Lines

Sen. Robert Nichols

Amends the Utilities Code to define, for purposes of provisions relating to miscellaneous powers and duties of utilities applying to electric utilities, "distribution line" to mean a power line operated below 60,000 volts when measured phase to phase and "transmission line" to mean a power line operated at 60,000 volts or more when measured phase to phase.

The bill clarifies that a municipal electric utility and, with regard to clearances, an electric utility that is not a municipal electric utility are required to construct, operate, and maintain their respective transmission lines and distribution lines along highways and at other places in accordance with the national electrical safety code.



SB 981: Electric Utility Bill Payment Assistance Programs for Veterans Burned in Combat

Sen. Leticia Van de Putte

Amends the Utilities Code to authorize an electric utility located in a portion of Texas not subject to retail competition to establish a payment assistance program for a customer who is a military veteran and who a medical doctor certifies has a significantly decreased ability to regulate the individual's body temperature because of severe burns received in combat. The bill requires a regulatory authority to allow as a cost or expense a cost or expense of the payment assistance program. The legislation entitles the electric utility to fully recover all costs and expenses related to the payment assistance program, to defer each cost or expense related to the payment assistance program not explicitly included in base rates, and to apply carrying charges at the utility's weighted average cost of capital to the extent related to the payment assistance program.

SB 981 also authorizes a retail electric provider to establish a payment assistance program for a customer who is a military veteran and who a medical doctor certifies has a significantly decreased ability to regulate the individual's body temperature because of severe burns received in combat. The amendment requires the Public Utility Commission to compile a list of such programs that are available from retail electric providers and to publish the list on the PUC's Internet website. The measure requires the Office of the Public Utility Counsel to provide a link to the list on the office's Internet website. It specifies that a retail electric provider furnish the PUC with information necessary to compile the list in the form, manner, and frequency the PUC requires by rule.

The legislation also authorizes the board of directors of an electric cooperative or the governing body of a municipally owned utility to establish a bill payment assistance program for a customer who is a military veteran and who a medical doctor certifies has a significantly decreased ability to regulate the individual's body temperature because of severe burns received in combat. The bill specifies that the costs of the bill payment assistance program are considered a necessary operations expense. The board of directors or the governing body is authorized to determine the method of funding for the payment assistance program.

SB 958: Liability of Certain Special-Purpose Districts or Authorities Providing Water for the Generation of Electricity

Sen. Troy Fraser

Amends the Civil Practice and Remedies Code to establish that a local district or authority that enters into a written contract stating the essential terms under which the local district or authority is to provide water to a purchaser for use in connection with the generation of electricity waives sovereign immunity to suit for the purpose of adjudicating a claim that the local district or authority breached the contract by not providing water or access to water according to the contract's terms.

The bill authorizes remedies awarded in a proceeding adjudicating a claim under the provisions to include any remedy available for breach of contract that is not inconsistent with the terms of the contract, including the cost of cover and specific performance, and



prohibits such remedies from including consequential or exemplary damages. The provisions do not waive a defense or a limitation on damages available to a party to a contract other than sovereign immunity to suit, do not waive sovereign immunity to suit in federal court or for a cause of action for a negligent or intentional tort, do not grant any user of water any new or additional rights to water or any new or additional priority to water rights, and do not confer any rights inconsistent with the terms of the contract that is the subject of a dispute.

SB 958 also establishes that its provisions do not limit the authority of the Texas Commission on Environmental Quality or any other state regulatory agency and that compliance with an order of TCEQ or any other state regulatory agency that expressly curtails water delivery to a specific electric generating facility is not considered a breach of contract. The provisions waive sovereign immunity only for the benefit of a party to the contract that is the subject of a dispute or for the benefit of the assignee of a party to the contract, if assignment of an interest in the contract is permitted by the terms of the contract. A party authorized under the bill's provisions cannot sue for a cause of action of breach of contract from transferring or assigning that cause of action to any person, unless assignment of an interest in the contract is permitted by the terms of the contract.

SB 1364: Computation of an Electric Utility's Income Taxes

Sen. Charles Schwertner

Amends the Utilities Code, in a provision relating to the computation of an electric utility's income taxes, to require, on the condition that an expense is allowed to be included in utility rates or an investment is included in the utility rate base, that the related income tax benefit be included in the computation of income tax expense to reduce the rates.

The bill prohibits the related income tax benefit to be included in the computation of income tax expense to reduce the rates if an expense is not allowed to be included in utility rates or an investment is not included in the utility rate base. The income tax expense of an electric utility must be computed using the statutory income tax rates.

The legislation also removes a provision requiring an electric utility's income taxes to be computed as though a consolidated return had been filed and the utility had realized its fair share of the savings resulting from that return if the utility is a member of an affiliated group eligible to file a consolidated income tax return and it is advantageous to the utility to do so unless it is shown to the satisfaction of the regulatory authority that it was reasonable to choose not to consolidate returns.







TEXAS

Environmental Legislation

Air Quality and Pollution Control

HB 788: Permitting of Greenhouse Gas Emissions by the Texas Commission on Environmental Quality

Rep. Wayne Smith

Requires the Texas Commission on Environmental Quality to establish a permitting program by adopting rules and issuing permits to regulate greenhouse gas (GHG) emissions to the extent that GHG emissions require authorization under federal law. The bill requires the agency to adopt rules specifying the procedures for the transition to review certain pending applications with the U.S. Environmental Protection Agency (EPA), and it requires the agency to prepare and submit appropriate federal program revisions to the EPA. If it is determined that those GHGs were no longer required to be regulated under federal law the TCEQ would be required to repeal rules relating to the regulation of GHG emissions.

The bill authorizes the TCEQ to impose fees for GHG emissions to the extent the fees are necessary to cover the agency's costs in implementing a GHG regulation program.

HB 2712: Exemption from Ad Valorem Taxation of Energy Storage Systems Used for the Control of Air Pollution in a Nonattainment Area

Rep. Mary Ann Perez

Amends the Tax Code to provide that a local taxing jurisdiction may grant a property tax exemption for an energy storage system that is used, constructed, acquired, or installed wholly or partly to meet or exceed 40 C.F.R. Section 50.11 or any other applicable rules and that meet certain other conditions.

Once a local taxing unit adopts the exemption, the governing body of the taxing unit in the manner provided by law for official action may repeal the exemption.

The bill defines “energy storage system” as a device capable of storing energy to be discharged at a later time, including a chemical, mechanical, or thermal storage device.

Section 26.012, Tax Code is amended to require the deduction of the value of qualified energy storage systems from the current total value used in effective tax rate calculations in the first year they are exempt.



HB 2859: Clean Air Act Local Initiative Projects related to Vehicles

Rep. Patricia Harless

Increases the maximum funding allocation for the Local Initiatives Projects Program administered by the Texas Commission on Environmental Quality, which is available to counties that participate in the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program, from \$5 million to \$7 million per year.

The bill designates that \$2 million of this amount may be used only for projects with local law enforcement officials to reduce the use of counterfeit state inspection stickers.

SB 1727: Use of the Texas Emissions Reduction Plan Fund

Sen. Bob Deuell

Makes various changes to the Texas Emissions Reduction Plan (TERP) Program in Health and Safety Code, Chapters 386, 391, 393, and 394. The bill adds existing programs to the list of programs in Health and Safety Code, Section 386.051 (b), as well as new programs.

The bill deletes the energy efficiency grant program from the list of programs eligible for TERP grants. It also deletes the statutory language establishing the energy efficiency grant program.

The legislation allows the Texas Commission on Environmental Quality to establish a different minimum percentage for the reduction of emissions than the main program standards for projects to convert heavy-duty on-road and stationary diesel engines from diesel fuel to dual-fuel operation using natural gas and diesel fuel. The bill also authorizes the TCEQ to consider certified test data to confirm the reductions in nitrogen oxide and other pollutants, if the certification requirements for the conversion systems do not make it possible to fully account for the emissions reductions.

Further, it provides that under the New Technology Implementation Grants (NTIG) program that electricity storage projects include projects to store electricity produced from wind and solar generation that provide an efficient means of making the stored energy available during periods of peak energy use.

SB 1727 authorizes the TCEQ under the TERP Program to establish and administer other programs, in addition to those specifically listed, determined by the TCEQ as necessary or effective in fulfilling the agency's duties and objectives under the TERP. The TCEQ is directed to place a priority on programs to address two particular goals: (1) reduction of emissions of nitrogen oxides (NO_x) and/or particulate matter (PM) at port facilities in nonattainment areas; and (2) reduction of emissions from drilling equipment and related heavy-duty non-road equipment in oil and gas production fields.

The bill revises the Light-Duty Motor Vehicle Purchase or Lease Incentive Program within the TERP Program. It changes responsibility for administering the program from the Comptroller to the TCEQ; provides for rebates of \$2,500 for the purchase of an eligible vehicle; provides that eligible vehicles would be limited to new light-duty motor vehicles powered by a dedicated or bi-fuel compressed natural gas or liquefied



petroleum gas engine, or an electric drive; and removes the requirement for manufacturers to submit a report on eligible vehicles to the TCEQ. A maximum of 2,000 rebates for CNG and LPG vehicles and 2,000 rebates for electric drive vehicles may be funded for the state fiscal biennium beginning on September 1, 2013. The subchapter that establishes the light-duty motor vehicle purchase or lease incentive program would expire on August 31, 2015.

The legislation also creates the new Drayage Truck Incentive Program within the TERP program to provide rebate-type funding for the replacement of a pre-2007 model year drayage truck with a 2010 or newer model year truck. According to the provisions, a drayage truck is defined as a truck that transports a load to or from a seaport or rail yard. The TCEQ would be required to develop a purchase incentive program to encourage owners to replace pre-2007 model year drayage trucks with newer drayage trucks and to adopt rules necessary to implement the program.

The State Energy Conservation Office, in cooperation with the Energy Systems Laboratory, must provide an annual report to TCEQ that, by county, quantifies the reductions of energy demand, peak loads, and associated emissions of air contaminants achieved from the projects awarded a grant; and it also requires the PUC to include information on energy efficiency programs implemented by the SECO in the report to the TCEQ on implementation of energy efficiency programs by the PUC.

SB 1727 amends the allocation listing of funding from the General Revenue-Dedicated TERP Account No. 5071, consolidating the existing language authorizing use of the TERP Account No. 5071 for the various TERP programs into one section and also provides for other programs created by the TCEQ to receive funds from the TERP Account No. 5071, if such funds are appropriated by the legislature.

The bill defines “agricultural product transportation,” and directs the TCEQ to provide specific eligibility requirements for such projects under the Texas Clean Fleet Program and the Texas Natural Gas Vehicle Program.

Finally, the provisions make changes to the existing New Technology Implementation Grants program, the Texas Clean Fleet program, the Texas Natural Gas Vehicle Program, the Clean Transportation Triangle Program, and the Alternative Fueling Facilities Program, and revises various TERP-related reporting requirements.

SB 1756: Expedited Processing of Certain Applications for Permits Under the Clean Air Act

Sen. Carlos Uresti

Requires the Texas Commission on Environmental Quality to develop a program to expedite the processing of permits, amendments, registrations, or variances for expedited air permit reviews for the Air Permits Division (APD).

The bill allows an applicant to request expedited permit processing and requires the TCEQ to expedite the review of a permitting action if it is determined that the project would benefit the local or state economy. It provides that a permit issued under the



expedited application process would not affect a contested case hearing and would need to meet all applicable federal, statutory, and regulatory requirements.

The statute also authorizes the TCEQ to establish a surcharge on the standard permit application fee for an expedited review process. The surcharge would need to be sufficient to cover all expenses related to expediting the permit review process, including overtime, contract labor, and other associated costs. The bill provides TCEQ the option to use overtime and contract labor to support the expedited permitting process, and it also exempts TCEQ from the requirement to include the use of overtime, compensatory time, and contract labor in calculating the limit on the number of full-time employees at the agency.

Coastal Zone Management

HB 622: Effectiveness of the Coastal Management Program

Rep. Craig Eiland

Requires the General Land Office (GLO), in coordination with other agencies and subdivisions, to prepare a biennial report, rather than an annual report, on the effectiveness of the Coastal Management Program. HB 622 requires that the GLO, on or before January 15 of each odd-numbered year, send the report to the legislature and deletes existing text requiring GLO, on or before January 15 of each odd-numbered year, to send to the legislature each of the previous two annual reports.

HB 1044: Operation of All-Terrain Vehicles and Recreational Off-Highway Vehicles

Rep. Craig Eiland

Amends the Natural Resources Code, Parks and Wildlife Code, and the Transportation Code relating to the operation of all-terrain vehicles and recreational off-highway vehicles. The bill authorizes the state, county, or municipality to register an all-terrain or recreational vehicle that is owned by the state, county, or municipality and is operated on a public beach or highway in order to maintain public safety and welfare.

The provisions also allow the Texas Department of Transportation, a county, or municipality to prohibit the operation of an all-terrain vehicle on a beach if TxDOT or the governing body determines that the prohibition is necessary for public safety.

HB 1903: Oyster Sales Account and the Abolishment of the Oyster Advisory Committee

Rep. Craig Eiland

Provides funding for the seafood safety laboratory at Texas A&M University in Galveston and abolishes an inactive advisory committee.



HB 2623: Authority of Certain Counties and the General Land Office to Temporarily Close a Beach or Beach Access Point

Rep. René Oliveira

Amends the Natural Resources Code to establish provisions relating to the closing of beaches for space flight activities applicable only to a county bordering on the Gulf of Mexico or its tidewater limits that contains a launch site, the construction and operation of which have been approved in a record of decision issued by the Federal Aviation Administration (FAA) following the preparation of an environmental impact statement by the FAA.

The bill requires a person planning to conduct a launch in such a county to submit to the commissioners' court proposed primary and backup dates for the launch. The legislation authorizes the commissioners' court by order to temporarily close a beach in reasonable proximity to the launch site or access points to the beach in the county on a primary or backup launch date in order to protect the public health, safety, and welfare, except that it requires approval of the General Land Office before the commissioners' court may close a beach or access points to the beach on the Saturday or Sunday before Memorial Day, Memorial Day, July 4, Labor Day, or a Saturday or Sunday between Memorial Day and Labor Day.

The commissioners' court must comply with the county's beach access and use plan and dune protection plan when closing a beach or access point. It authorizes the GLO to approve or deny a beach or access point closure request for a primary launch date on any of the specified dates, enter into a memorandum of agreement with the commissioners' court of an applicable county to govern beach and access point closures for space flight activities, and adopt rules to govern such beach and access point closures.

Finally, HB 2623 requires the Commissioner of the GLO to promulgate rules, consistent with state policies relating to public beach access, on the closure of beaches for space flight activities.

HB 3042: Allocation of State Hotel Occupancy Tax Revenue to Certain Municipalities for Cleaning and Maintenance of and Erosion Control for Public Beaches

Rep. René Oliveira

Amends the Tax Code, regarding the hotel occupancy tax and directs the Comptroller to issue a warrant drawn on General Revenue Fund 0001, in an amount equal to 2 percent of the revenues derived from the state hotel occupancy tax from hotels located in South Padre Island, to that municipality. That warrant replaces the current warrant that the municipality receives for 1 percent from those revenues. The Comptroller would not be allowed to issue a warrant to any municipality under Section 156.2512 for an amount greater than 2 percent of the revenue derived from the state hotel occupancy tax.



HB 3279: Uprooting of Seagrass Plants

Rep. Geanie Morrison

Amends the Parks and Wildlife Code relating to the uprooting of seagrass plants. Under the provisions, an individual may not uproot or dig out any rooted seagrass through the use of a propeller unless the individual has been issued a commercial license or permit by the Texas Parks and Wildlife Department (TPWD). Any violations of these provisions are a Class C Parks and Wildlife misdemeanor.

Emergency Management and Homeland Security

HB 1712: Tax Exemptions for Property Used in Connection with an Offshore Spill Response Containment System

Rep. J.M. Lozano

Amends current law to exempt from ad valorem and sales and use taxes property used in connection with an offshore spill response containment system.

After the Deepwater Horizon/Macondo oil spill and the subsequent moratorium of drilling in the Gulf of Mexico, 10 oil companies joined together to form the Marine Well Containment Company (MWCC). MWCC organized to acquire and provide rapid containment response expertise, training, and capabilities including subsea equipment such as risers, dispersant and hydraulic manifolds, and a capping stack in the event of a blowout or other loss of well control resulting in an underwater oil spill in the Gulf of Mexico. While current law authorizes property tax exemptions for pollution control equipment, the statute may not cover equipment held for a future event and by an entity that provides multiple member companies access to the equipment to meet federal pollution control rules.

Inland Water Resource Management and Conservation

HB 4: State Water Implementation Fund for Texas

Rep. Allan Ritter

Establishes a new Texas Water Development Board (TWDB) and creates the funding mechanism for the State Water Implementation Fund for Texas (SWIFT). The proposal calls for a \$2 billion withdrawal from the state's Rainy Day Fund, which requires a constitutional amendment and approval by Texas voters.

HB 4 establishes the SWIFT as a special fund in the state treasury outside the general revenue fund to be used by the TWDB, without further legislative appropriation, for the purpose of implementing the state water plan. The bill provides for the management and investment of the fund by the Texas Treasury Safekeeping Trust Company and for the use of the fund. The bill authorizes the TWDB, in order to facilitate the use of the fund, to direct the trust company to enter into bond enhancement agreements to provide a source of revenue or security for the payment of the principal of and interest on general obligation bonds or revenue bonds issued by the TWDB to finance or refinance projects included in the state water plan if the proceeds of the sale of the bonds have been or will be deposited to the credit of the state water implementation revenue fund for Texas, the water infrastructure fund, the rural water assistance fund,



the Texas Water Development Fund II state participation account, or the agricultural water conservation fund. The bill sets out provisions governing these bond enhancement agreements and provides for the prioritization of applicable projects by regional water planning groups and the TWDB.

HB 252: Water Shortage Reporting

Rep. Lyle Larson

Amends Chapter 13 of the Water Code to require a retail public utility and each entity from which the utility is obtaining wholesale water service to report projected water supplies on a form prescribed by the Texas Commission on Environmental Quality; and to notify TCEQ if the projected available water supply is less than 180 days. Previous statutes did not require a public utility to report available water supply. TCEQ will have to adopt new rules to implement the provisions of the bill.

HB 677: Regulation and Enforcement of Dam Safety by the Texas Commission on Environmental Quality

Rep. Charlie Geren

Changes the county population threshold from 215,000 to 350,000 as a criteria to qualify for an exemption from dam safety regulatory requirements.

Current law exempts certain owners from costly dam safety regulatory requirements. Prior to the amendment to qualify for this exemption, a dam must have a hazard classification of low or significant, impound less than 500 acre-feet of water, and be located outside of the corporate limits of a municipality in a county with a population of less than 215,000. These dams still must meet Texas Commission on Environmental Quality operation and maintenance requirements.

HB 752: Types of Entities that are Considered Municipal Water Suppliers and the Effect of the Subdivision of Land on Irrigation Water Rights

Rep. Oscar Longoria

Amends Chapter 49 of the Water Code to establish requirements relating to municipal water suppliers and to include a special utility district converted from a water supply corporation that would be considered a municipal water supplier.

The bill adds Section 49.513 to apply only to a municipal water supplier that provides service to a municipality that has a population of 115,000 or more that is located in a county adjacent to an international border and is the source of at least 70 percent of the total revenue received by a district from the diversion of raw water during the preceding year. It requires the Texas Commission on Environmental Quality to amend a water right to authorize the delivery to and the diversion and use of water by a municipal water supplier as defined by the provisions of the bill.

HB 1461: Customer Notification of Water Loss by a Retail Public Utility

Rep. Jimmie Don Aycock

Amends Chapter 13 of the Water Code to provide that the Texas Commission on Environmental Quality by rule shall require a retail public utility that files a water audit to notify each customer of the water loss reported in the water audit.



HB 1554: Authority of Municipalities to File a Lien for the Costs of Abatement of a Floodplain Ordinance Violation

Rep. Justin Rodriguez

Amends Section 54.012 of the Local Government Code to authorize a municipality to bring a civil action for the enforcement of an ordinance for the preservation of public safety or public health relating to floodplain control and administration. A civil penalty under this subchapter would be a Class C misdemeanor punishable by a fine of not more than \$500.

The bill adds Section 54.020 to the Local Government Code to authorize a municipality to abate a violation of a floodplain management ordinance to bring real property into compliance if the owner fails to comply after receiving notice and opportunity to comply. A municipality could assess the costs incurred against the property and would have a lien on the property at an annual rate of 10 percent on the amount due until the municipality is paid. A municipality may file suit to foreclose the lien to recover the unpaid costs and interest. A municipality's lien would be inferior to a previously recorded mortgage lien, but it would be superior to all other previously recorded judgment liens.

HB 1973: Provision of Water for Use in Fire Suppression

Rep. Eddie Lucio, III

Provides for the governing body of a municipality to adopt standards that would be set by the Texas Commission on Environmental Quality requiring a utility to maintain a minimum sufficient water flow and pressure to fire hydrants in residential areas. A municipality will be authorized to notify the TCEQ of a utility's failure to comply with an adopted standard, and the TCEQ will be charged with enforcing the violation of the standard. The provisions that require a municipality that adopts fire suppression standards to enter into a memorandum of understanding with a utility would not apply to a municipality with a population over 1.9 million.

HB 2062: Regulation of Plumbing

Rep. John Davis

Amends several sections of the Occupations Code relating to the regulation of plumbers in response to recent issues that have been identified by the Texas State Board of Plumbing Examiners (TSBPE). The measure updates several sections of the code in regards to rainwater harvesting in response to legislation that passed last session and is currently under rulemaking. Further, the bill adds the requirement that plumbing customers be provided a receipt, clarifies the ability of TSBPE to investigate owners of plumbing companies in response to complaints, and requires a plumber to have a license readily available if requested to produce it.

HB 2105: Municipally Owned Utility Systems

Rep. Eddie Lucio, III

Amends the Government Code to authorize a municipality to acquire, purchase, construct, or maintain any property, including channels or bodies of water known as resacas, with respect to a utility system; a park; or a swimming pool. The board of



trustees having management and control of a utility system will be authorized to impose and collect charges for services provided by a utility system.

HB 2615: Use of State Water

Rep. Eric Johnson

Sets penalties for a person failing to file a statement or comply with a request of the Texas Commission on Environmental Quality for water use data relating to water rights after the applicable deadline of \$100 per day if the person holds a water right permit of 5,000 acre-feet or less per year or \$500 per day if the person holds a water right for more than 5,000 acre-feet per year.

The TCEQ's Executive Director will establish a deadline by which a person must provide the information being requested. Reports must be submitted to the TCEQ electronically. It also specifies cases where water rights holders could seek exemptions to cancellation of permits based on nonuse, including cases where adjustments or suspensions are made by the TCEQ's Executive Director and due to drought conditions.

Penalties associated with failure to comply with TCEQ water rights reporting requirements will be deposited to the General Revenue Fund. Although passage of the bill could result in increased penalty revenues, this estimate assumes that the per-day penalty rate would serve as an incentive for compliance. Thus, no significant revenue increase to the state is expected. Passage of the bill is not expected to result in significant costs to the TCEQ.

HB 2781: Rainwater Harvesting and Other Water Conservation Initiatives

Rep. Allen Fletcher

Amends the Government Code, Health and Safety Code, Local Government Code, and Property Code relating to rainwater harvesting and other water conservation initiatives.

The bill replaces the term “and landscape watering” with the term “and outdoor water” in the list of uses of certain requirements to be incorporated into the design and construction of certain new state buildings.

The bill further requires the Texas Commission on Environmental Quality to promulgate rules addressing certain factors relating to rainwater harvesting systems connected to a public water supply system as an auxiliary water supply.

Furthermore, the Local Government Code is amended to require training on rainwater harvesting for the permitting staff of each county and municipality located in a priority groundwater management area or with a population of more than 10,000 rather than 100,000.

HB 3233: Interbasin Transfers of State Water

Rep. Allan Ritter

Removes the requirement that an application for an inter-basin transfer must include the projected effect on user rates and fees for each class of ratepayers. The bill also changes notification requirements, and it substitutes the term “service area of a retail



water utility” for “municipality's retail service area.” The legislation further provides that the Texas Commission on Environmental Quality determine whether detriments to a basin of origin are less than the benefits to the receiving basin.

HB 3604: Implementation of a Water Conservation Plan and Drought Contingency Plan

Rep. Lon Burnam

Implements a recommendation from the report “Enhance State Participation in Municipal Water Conservation” in the Legislative Budget Board’s Government Effectiveness and Efficiency Report.

The bill requires that upon the declaration of a state disaster in a county due to drought conditions, that a person (or entity) shall implement their water conservation plan and drought contingency plan, as applicable. Furthermore, the statute allows the Texas Water Development Board to notify the Texas Commission on Environmental Quality if a violation occurs.

HB 3605: Financial Assistance for Water Supply Projects

Rep. Lon Burnam

Amends current law relating to the evaluation by the Texas Water Development Board of applications for financial assistance for certain retail public utilities. It requires a retail public utility providing potable water that receives financial assistance from the TWDB to use a portion of that assistance to mitigate the utility's system water loss if, based on a water audit filed by the utility under this subsection, the water loss meets or exceeds the threshold established by TWDB rule.

Certain retail public utilities that provide potable water and receive financial assistance from the TWDB are required to complete an annual water loss audit. Current law requires medium-sized and large-sized water utilities to submit water conservation plans using the best management practices established by TWDB, but these plans are not required to include specific management practices nor are they evaluated by TWDB.

The bill also requires TWDB to develop methodologies and submission dates and adopt applicable rules.

SB 198: Restrictive Covenants Regulating Drought-Resistant Landscaping or Water-Conserving Natural Turf

Sen. Kirk Watson

Provides that a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from implementing certain measures, including using a drought-resistant landscaping or water-conserving turf.

The bill also provides that this section does not restrict, prohibit, or require certain property owners' association actions, including prohibiting a property owners' association from requiring an owner to submit a detailed description or a plan for the installation of drought-resistant landscaping or water-conserving natural turf for review



and approval by the property owners' association to ensure, to the extent practicable, maximum aesthetic compatibility with other landscaping in the subdivision.

Finally, SB 198 prohibits a property owners' association from unreasonably denying or withholding approval of a proposed installation of drought-resistant landscaping or water-conserving natural turf under Subsection (d)(8) (relating to Section 202.007 not restricting, prohibiting, or requiring certain property owners' association actions) or unreasonably determining that the proposed installation is aesthetically incompatible with other landscaping in the subdivision.

SB 595: Power of the North Fort Bend Water Authority

Sen. Glenn Hegar

Permits the North Fort Bend Water Authority to continue to impose groundwater pumpage fees on wells subject to groundwater reduction requirements by the subsidence district on June 30, 2013.

SB 902: Operation, Powers, and Duties of Certain Water Districts

Sen. Troy Fraser

Contains numerous updates and conforming changes for municipal water districts and special utility districts to bring them in-line with current practices.

There are approximately 1,300 active water districts within the State of Texas. These districts include municipal utility districts, fresh water supply districts, and water control and improvement districts. In general, these districts have the authority to issue bonds and levy taxes in order to supply treated and untreated water, treat wastewater, implement drainage and flood control projects, develop and maintain parks and recreational facilities, and sometimes, in certain cases, build roads. Water districts are also political subdivisions of Texas. As such, most water districts are governed by elected boards that have the authority to adopt and enforce a variety of rules and regulations. Many laws governing water districts are 10 years old and out of date with modern technology and practices elsewhere in government.

SB 1212: Applicability of Certain Provisions Concerning the Transfer of Exotic Species to Transfers of Water that Supply Populous Areas

Sen. Craig Estes

Amends Section 66.007 of the Parks and Wildlife Code to provide that a water transfer described in this subsection is not a violation of the section (Exotic Harmful or Potentially Harmful Fish and Shellfish). It also prohibits the Texas Parks and Wildlife Department from requiring a permit under this section for a water transfer described by this subsection.

SB 1241: Edwards Aquifer Authority's Regulation of Wells

Sen. Glenn Hegar

Provides the Edwards Aquifer Authority (EAA) the ability to exercise a more pragmatic exempt well determination process and adds reasonable flexibility to its current permitting program.



SB 1282: Deadlines for Proposals for Adoption by Certain Districts or Authorities of Future Conditions of Aquifers

Sen. Robert Duncan

Amends Chapter 36 of the Water Code to provide that a groundwater conservation district is not required to adopt a proposal of desired future conditions before May 1, 2016, regardless of the date on which a proposal may have been voted on before May 1, 2016.

SJR 1: Constitutional Amendment for the State Water Funding

Sen. Tommy Williams

Proposes a state constitutional amendment providing for the creation of the State Water Implementation Fund for Texas and the State Water Implementation Revenue Fund for Texas to assist in the financing of priority projects in the state water plan. The constitutional amendment would allow a \$2 billion withdrawal from the state's Rainy Day Fund. SJR 1 is a companion to HB 4.

Reorganization and Coordination

HB 1642: Port of Houston Authority

Rep. Dennis Bonnen

Implements recommendations from the Sunset Advisory Commission's (SAC) review of the Port of Houston Authority (PoHA). The bill requires the SAC to conduct another review of the PoHA during the 2016-2017 biennium and requires PoHA to pay for the cost of the review. It also requires the Governor to appoint a port commissioner if certain appointing entities fail to appoint a port commissioner within a specified period, and also requires PoHA Commissioners to file a statement required of state officers with the Texas Ethics Commission.

HB 1897: Exemption from Ad Valorem Taxation of Pollution Control Property

Rep. Craig Eiland

Amends Section 11.31 of the Tax Code, related to pollution control property exemption, to require the Executive Director of the Texas Commission on Environmental Quality to issue a determination letter to the person seeking a pollution control property exemption and to require TCEQ to take final action on an initial appeal of the pollution control property exemption determination not later than the first anniversary of the date the Executive Director of the TCEQ declares the application to be administratively complete.

HB 2290: Administrative Costs of Certain Entities to Implement a Supplemental Environmental Project

Rep. J.M. Lozano

Amends the Water Code to authorize the Texas Commission on Environmental Quality to allow a local government or a charitable organization exempted from federal income tax under the federal Internal Revenue Code of 1986 that receives money from a respondent to implement a supplemental environmental project to use a portion of the money, capped at 10 percent of the direct cost of the project, for administrative costs



associated with implementing the project, including overhead costs, personnel salary and fringe benefits, and travel and per diem expenses. The bill applies to money received to implement a supplemental environmental project regardless of whether the money was received on, before, or after the bill's effective date.

The TCEQ assesses fines to organizations found to have caused environmental harm, and, in lieu of the fine, an organization may fund a supplemental environmental project. Rural counties, however, find the requirements to administer these project funds are burdensome if they do not have enough administrative employees. HB 2290 remedies this issue by allowing certain entities to spend a portion of the money received on administrative costs associated with implementing a supplemental environmental project.

HB 3137: The Rio Grande Regional Water Authority

Rep. Eddie Lucio, III

Limits the amount of a fee or assessment imposed by the Rio Grande Regional Water Authority.

HB 3212: Red River Boundary Compact and the Red River Boundary Commission

Rep. Larry Phillips

Establishes the Red River Boundary Commission (RRBC) and provides for the powers, duties, membership, and compensation of the RRBC. The bill also provides that the General Land Office, the Office of the Attorney General (OAG), and the Texas Commission on Environmental Quality will provide staff support to the newly created Commission. The RRBC would be established to oversee the redrawing of the boundary between Texas and Oklahoma in the Texoma area.

HB 3511: Adjudication of Certain Claims under a Written Contract with a Special-Purpose District or Authority or Local Governmental Entity

Rep. Allan Ritter

Adds Chapter 113 to the Civil Practice and Remedies Code to establish requirements regarding the adjudication of certain claims under a written contract with a special-purpose district or authority or local governmental entity. The bill also defines “adjudicating a claim” and “local district or authority.” The chapter does not limit the authority of the Texas Commission on Environmental Quality or any other state regulatory agency as defined by the provisions of the bill.

The legislation also amends Chapter 271 of the Local Government Code to provide that remedies may include actual damages, specific performance, or injunctive relief for a breach of a written contract, including a right of first refusal, regarding the sale or delivery of not less than 1,000 acre-feet of reclaimed water by a local governmental entity intended for industrial use.



HB 3871: Powers and Duties of the Gulf Coast Waste Disposal Authority

Rep. Wayne Smith

Amends the powers and duties of the Gulf Coast Waste Disposal Authority to allow for its expanded use of resources to assist those customers.

The Gulf Coast Waste Disposal Authority (GCWDA) was created in 1969 to originally serve Chambers, Galveston, and Harris counties for the purpose of providing waste disposal systems and regulation of disposal of waste to enhance and protect the waters in Galveston Bay. GCWDA also provides wastewater services for the City of Odessa and the local industries in that community under the provisions of the Regional Waste Disposal Act.

In recent years, as a result of the prolonged drought, several requests have been made to GCWDA to lend its expertise to providing treatment of other waters (e.g., brackish, reuse, non-potable surface, saline) which fall outside of “waste water treatment” industrial settings in order to meet the needs of its commercial and industrial customers.

SB 138: Procedures for Filing Complaints with, and Providing Notice of Certain Violations to, the Texas Board of Professional Geoscientists

Sen. Judith Zaffirini

Amends the Occupations Code to require the Texas Board of Professional Geoscientists to maintain on its Internet website information regarding the procedure for filing a complaint with the Board and a means by which a person may electronically file a complaint with the Board.

The bill requires the Board to work with each state agency that uses the services of a person licensed under the Texas Geoscience Practice Act and other appropriate state agencies as determined by the Board, including a state agency with which the Board has entered into a memorandum of understanding that addresses the coordination of activities or complaints, to educate the agency's employees regarding the procedures by which complaints are filed with and resolved by the Board.

SB 138 requires a state agency that becomes aware of a potential violation of the Texas Geoscience Practice Act or a rule adopted under that Act to forward any information relating to the potential violation and any subsequently obtained information to the Board and specifies that information forwarded by a state agency that is privileged or confidential remains privileged or confidential following receipt by the Board. The bill establishes that the privilege or confidentiality of such information extends to any Board communication concerning the information, regardless of the form, manner, or content of the communication and that the forwarding of privileged or confidential information by a state agency does not waive a privilege in or create an exception to the confidentiality of the information. It specifies that a state agency's provision of information or failure to provide information under the provisions does not give rise to a cause of action against the agency.



SB 281: Administration and Powers of the Red River Authority of Texas

Sen. Craig Estes

Authorizes the Red River Authority Board of Directors to meet by conference call, videoconference call, or through Internet communications, and purchase groundwater rights.

The bill also provides that the Authority would not be authorized to regulate or control underground water or underground water rights by condemnation, or purchase to develop, regulate or control the use in any manner.

Finally, the statute gives the Authority the ability to purchase groundwater rights in a county in the Authority's territory under certain conditions.

SB 567: Economic Regulation of Water and Sewer Service

Sen. Kirk Watson

Amends the Water Code and the Special District Local Laws Code relating to rates for water service and the regulation of water and wastewater service. The bill transfers responsibility for regulating water and wastewater rates, services, and certificates of convenience and necessity from the Texas Commission on Environmental Quality to the Public Utility Commission, effective September 1, 2014. The legislation requires the PUC and TCEQ to enter into a memorandum of understanding by August 1, 2014, to identify in detail the applicable powers and duties that are transferred and establish a plan for the execution of the transfer.

The statute also provides the Office of Public Utility Counsel (OPUC) the authority to represent the interests of residential and small commercial customers in water and wastewater proceedings beginning September 1, 2013. It creates three classes of water utilities based on the number of taps or connections and establishes a different rate review procedure for each class. The bill requires the PUC and TCEQ to adopt rules, policies, and procedures to implement the modified ratemaking process included in the provisions of the bill no later than September 1, 2015.

SB 654: Enforcement of Water Conservation and Animal Care and Control Ordinances

Sen. Royce West

Amends the Local Government Code to authorize a municipality to bring a civil action or quasi-judicial enforcement of an ordinance relating to animal care and control; or water conservation measures, including water restrictions. A violation would be a Class C misdemeanor offense punishable by a fine of not more than \$500.

SB 655: Exercise of the Power of Eminent Domain by Certain Authorized Entities

Sen. Brian Birdwell

Amends the Special District Local Laws Code to restrict the exercise of the power of eminent domain by an entity authorized by law to exercise such power and governed by provisions of the code relating to water and wastewater only to the exercise of the power



for a public use in accordance with certain provisions of the Texas Constitution relating to the taking, damaging, or destroying of property for a public use.

SB 655 also amends the Water Code to restrict the exercise of the power of eminent domain by an entity authorized by law to exercise such power and governed by the code only to the exercise of the power for a public use in accordance with such constitutional provisions.

SB 662: Composition of the Drought Preparedness Council

Sen. John Carona

Amends the Water Code, Section 16.055 to add the Public Utility Commission and the independent organization certified for the Electric Reliability Council of Texas power region to the Drought Preparedness Council.

SB 971: Transportation Reinvestment Zones for Port Projects

Sen. Tommy Williams

Amends the Transportation Code to authorize the creation of transportation reinvestment zones for port projects. The port reinvestment zones will have the authority to obtain local revenues from property tax increment financing. The financing obtained may be used to repay loans or other debts incurred to finance a port project. The authority may be exercised by a port commission and by no other governmental entity.

SB 1300: Environmental or Health and Safety Audits

Sen. Kevin Eltife

Amends the Texas Environmental, Health, and Safety Audit Privilege Act to expand the definition of “environmental or health and safety audit” to include a systematic voluntary evaluation, review, or assessment of compliance with environmental or health and safety laws or with any permit issued under an environmental or health and safety law conducted by a person, including an employee or independent contractor of the person, that is considering the acquisition of a regulated facility or operation.

SB 1300 authorizes a person that begins an audit before becoming the owner of a regulated facility or operation to continue the audit after the acquisition closing date if the person gives the required notice to the appropriate regulatory agency. The statute requires the audit to be completed within a reasonable time not to exceed six months after the date the audit is initiated or the acquisition closing date, if the person continues the audit, unless an extension is approved by the governmental entity with regulatory authority over the regulated facility or operation based on reasonable grounds. The bill specifies that the requirement that the audit be completed within six months of the date the audit is initiated does not apply to an audit conducted before the acquisition closing date by a person that is considering the acquisition of the regulated facility or operation.

SB 1300 adds the following to the conditions under which disclosure of an audit report or any information generated by an environmental or health and safety audit does not



waive the privilege established under the Texas Environmental, Health, and Safety Audit Privilege Act:

- The disclosure being made to address or correct a matter raised by the environmental or health and safety audit and being made only to a person considering the acquisition of the regulated facility or operation that is the subject of the audit; and
- The disclosure being made to address or correct a matter raised by the environmental or health and safety audit and being made only to an employee, temporary employee, contract employee, legal representative, officer, director, partner, or independent contractor of a person considering the acquisition of the regulated facility or operation that is the subject of the audit.

The provisions specify that a disclosure of a violation of an environmental or health and safety law made not more than the 45th day after the acquisition closing date, if the violation was discovered during an audit conducted before the acquisition closing date by a person considering acquisition of the regulated facility or operation, is voluntary for the purposes of immunity from an administrative or civil penalty for the disclosed violation and requires the person making such a disclosure to certify certain information in the disclosure. The bill includes the period of ownership of a regulated facility or operation among the factors that may mitigate an administrative or civil penalty for a violation of an environmental or health and safety law.

The legislation exempts an audit conducted before the acquisition closing date by a person considering the acquisition of a regulated facility or operation from statutory provisions relating to required notice to the appropriate regulatory agency of the fact that the facility is planning to conduct an audit for purposes of establishing immunity. The bill authorizes a person that begins an audit before becoming the owner of the regulated facility or operation to continue the audit after the acquisition closing date if, not more than the 45th day after the acquisition closing date, the person provides notice to an appropriate regulatory agency of the fact that the person intends to continue the audit and requires the person providing such notice to certify certain information in the notice.

Solid Waste

HB 555: Regulating Metal Recycling Entities

Rep. Bill Callegari

Clarifies the acts of failing to register, operating a metal recycling entity without registering with the state, and failing to report purchases as Class A misdemeanor offenses. HB 555 also puts in place a Class C misdemeanor for any offense where the sanctions are not defined in statute.



SB 819: Disposal of Demolition Waste from Abandoned or Nuisance Buildings

Sen. Robert Duncan

Amends the Health and Safety Code to raise the cap from 10,000 to 12,000 on the population of a county or municipality for which the Texas Commission on Environmental Quality may issue a permit by rule authorizing the county's or municipality's governing body to dispose of waste from the demolition of an abandoned or nuisance building that has been acquired by the county or municipality if the disposal occurs on land that the county or municipality owns or controls and would qualify for an arid exemption under TCEQ rules.

SB 875: Purchase of Plastic Bulk Merchandise Containers

Sen. Kevin Eltife

Amends the Business and Commerce Code to prohibit payment for the purchase of bulk plastic containers with cash and adds new record keeping requirements on purchase transactions. The bill also authorizes a civil penalty not to exceed \$5,000 for each violation and clarifies that each cash transaction in violation of the provisions of the bill is a separate violation.

Water Quality and Pollution Control

HB 1079: Production Area Authorizations for Class III Injection Wells

Rep. Wayne Smith

Amends Water Code provisions regarding production area authorizations for Class III injection wells (minerals such as uranium, sulphur, and brine). The bill makes fewer applications for production area authorizations subject to contested case hearing requirements, and it removes requirements for public notice. The amendment also removes provisions in the Water Code for the Executive Director of the Texas Commission on Environmental Quality to use of a third party expert for recommendations in production area authorizations.

Further, the legislation provides that a new, amended, or renewal area permit must have a table of pre-mining low and high values representing the range of groundwater quality within the area of review for each water quality parameter used to measure groundwater restoration in a commission-required restoration table. The TCEQ will be required to use all available wells to establish the table. The bill provides that if a restoration table value for a production area authorization exceeds the range listed in the area permit table, the value within the area permit range table must be used or a major amendment to alter the range is required; such major amendments would be subject to a contested case hearing. The law provides for specific exemption for certain authorizations to be considered uncontested matters, not subject to a contested case hearing.



HB 2767: Treatment and Recycling for Beneficial Use of Certain Waste from Drilling for or Production of Oil or Gas

Rep. Phil King

Addresses these obstacles with changes to the law relating to treating and recycling for beneficial use certain waste arising out of or incidental to drilling for or producing oil or gas.

Interested parties contend that treating and reusing oil and gas waste is essential to supporting growth in the Texas oil and gas industry while preserving water resources. The rapid growth of development of shale deposits requires large quantities of water for drilling and hydro-fracturing operations that must be safely discharged or disposed of properly. Under current practice, most oil and gas wastewater is disposed of in underground injection wells instead of being treated and reused in drilling and hydro-fracturing activity, according to concerned parties. The parties report that the lengthy permitting process for off-lease treatment operations and the legal ambiguity about the ownership of oil and gas waste transferred for treatment are obstacles to recycling oil and gas waste.

HB 3309: Oil and Gas Regulation and Cleanup Fund

Rep. Myra Crownover

Provides that fees collected under Natural Resources Code, § 91.0115, for surface casing determination (groundwater protection) letters be deposited to the General Revenue-Dedicated Oil and Gas Regulation and Cleanup (OGRC) Account No. 5155.

The bill also increases the fund balance ceiling on the OGRC Account No. 5155, or the balance of the account at which fees deposited to the account are suspended, from \$20 million to \$30 million, and the measure increases the fund balance limit at which the fees are reinstated from \$10 million to \$25 million.

SB 634: Regulating Faulty Onsite Sewage Disposal Systems

Sen. Wendy Davis

Amends Chapter 343 of the Health and Safety Code to include surface discharge from an onsite sewage disposal system as a public nuisance. A county that has adopted procedures that are consistent with this chapter is authorized to abate the nuisance by any means reasonably necessary to bring the onsite sewage disposal system into compliance only after a defendant fails to abate as ordered by the court. An offense under this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200. If it is shown on the trial of the defendant that the defendant has been previously convicted of an offense under this section, the defendant is punishable by a fine of not less than \$200 or more than \$1,000, confinement in jail for not more than six months, or both.

SB 1532: Injection Wells that Transect or Terminate in the Edwards Aquifer

Sen. Judith Zaffirini

Authorizes the use of certain types of injection wells in the Edwards Aquifer (EA). The only two types of injection wells that the Texas Commission on Environmental Quality could authorize by rule or by general permit within the EA would be: (1) for the injection



of fresh water withdrawn from the EA into a well that transects or terminates in the EA for the purpose of providing additional recharge; and (2) for the injection of rainwater, storm water, flood water, or groundwater into the EA by means of an improved natural recharge feature such as a sinkhole or cave for the purpose of providing additional recharge. Additionally, the TCEQ is authorized to grant a general permit for injection wells under other specific guidelines, including a requirement that the Texas State University-San Marcos review and analyze information and report its findings to the TCEQ. TCEQ will be required to hold public hearings before issuing such general permits.

The bill requires the use of monitoring wells for injection wells in the EA. It also requires that any authorization for an injection well in the EA must be renewed at least every 10 years, and it requires that the TCEQ ensure that any injection well authorized for the purpose of injecting concentrate from a desalination facility does not transect the fresh water portion of the EA.





U.S. VIRGIN ISLANDS

Energy Legislation

Energy Efficiency

B 387: Bond Issuance Authorization for Energy Projects (Adopted on December 14, 2012)

Sen. Ronald Russell

Authorizes the issuance of bonds through the Virgin Islands Public Finance Authority to provide funding to finance all or a portion of the costs of energy projects advancing the government's ongoing development of energy conservation and employment initiatives (Series 2012 Energy Projects), fund necessary reserves, and the cost of issuance of either Matching Fund Revenue Bonds or in the alternative, Gross Receipts Taxes Bonds. The authorization allows the government to have the flexibility to issue bonds secured by either Matching Fund Revenues or the Gross Receipts Tax Revenues to insure the lowest cost of borrowing and access to capital markets.

The project funding will be used to complete installation of energy and water efficiency measures at 23 Department of Education Facilities and for energy and water efficiency measures at the Governor Juan F. Luis Hospital and the Schneider Regional Medical Center. These projects utilize energy savings performance contracts. All project expenses will be paid through a portion of the projected annual savings and those savings are guaranteed by the Energy Services Company (ESCO) performing the work. Failure to produce the guaranteed level of savings requires the ESCO to compensate the Government of the Virgin Islands for the amount of any shortfall.

Natural Gas and Petroleum

R 44: Resolution Urging Congress to Adopt the Virgin Islands Energy Crisis Relief Act

Sen. Clifford Payne, III

Urges the House of Representatives of the Congress of the United States to adopt House Resolution 92, known as the Virgin Islands Energy Crisis Relief Act, which authorizes a \$100 million grant to the Virgin Islands Water and Power Authority (WAPA) and a grant of \$15 million to convert power generation from fuel oil (diesel) to natural gas. The Virgin Islands Public Services Commission, which regulates public utilities in the territory, has publicly stated that the high rates of electricity are depriving the local economy of between \$150-250 million annually and that the current electrical rates cannot be sustained for a significant time without substantial harm to the economy of the Virgin Islands.



Utilities

R 448: Request for Money to Reduce Levelized Energy Adjustment Clause (Adopted on November 19, 2012)

Sen. Ronald Russell

Requests that the Environmental Protection Agency, the U.S. Department of Justice, and the U.S. District Court for the Virgin Islands, or appropriate court of competent jurisdiction, assign the entire \$700 million fine assessed to HOVENSA LLC and all other fines as a result of and failure to maintain plant equipment and to identify problems before they occur and thereby exposing the people living and working nearby to dangerous chemicals, to the Virgin Islands Water and Power Authority to be used by WAPA to reduce the Levelized Energy Adjustment Clause (LEAC). HOVENSA LLC, owner of the second largest petroleum refinery in the United States, has agreed to pay a civil penalty of \$5.375 million and spend more than \$700 million in new pollution controls that will help protect public health and resolve Clean Air Act violations at the refinery on St. Croix.





U.S. VIRGIN ISLANDS

Environmental Legislation

The Virgin Islands legislature has not passed any environmental bills since the publication of the *2012 Legislative Digest*.







VIRGINIA

Energy Legislation

Alternative Energy Development

HB 1695: Agricultural Net Metering

Del. Randall Minchew

Requires the State Corporation Commission (SCC) to establish a net energy metering program for eligible agricultural customers. Agricultural net metering will allow a customer that operates a solar, wind, or aerobic or anaerobic digester gas facility of up to 500 kilowatts as part of an agricultural business to be served by multiple meters that are located at separate, but contiguous sites, provided the generating facility is located on land owned or controlled by the agricultural business and is used to provide energy to metered accounts of the agricultural business.

HB 1917: Renewable Thermal Energy

Del. Scott Surovell

Expands the definition of “renewable thermal energy” to include the energy output from certain solar energy systems located in the Commonwealth that heat air or water for residential, commercial, institutional, or industrial processes. Under prior law, the term encompassed only the energy output from renewable fueled combined heat and power facilities used in industrial processes. Renewable thermal energy is eligible to satisfy the goals of the renewable energy portfolio standard (RPS) program. The measure also defines “solar energy system” as a system that produces heat or electricity, or both, from sunlight.

HB 1944: Inspection of Converted Electric Vehicles

Del. Alfonso Lopez

Allows safety inspectors of converted electric vehicles to charge an additional fee of no more than \$40 for such an inspection.

HB 2180/SB 1259: Renewable Energy Portfolio Goals Program

Del. Thomas Rust

Provides that renewable energy that is purchased by a participating utility under an agreement executed on or after July 1, 2013, will count toward meeting the goals of the renewable energy portfolio standard program only if the agreement expressly transfers ownership of renewable attributes, in addition to ownership of the energy, to the participating utility. The bill also provides that renewable energy generated by the utility will be counted toward meeting the RPS goals if it is from a facility in which the public utility owns at least a 49 percent interest that is located in the Commonwealth, in the interconnection region of the regional transmission entity of which the utility is a member, or in a control area adjacent to such interconnection region. Renewable energy



represented by renewable energy certificates will continue to be eligible to be counted toward meeting the RPS goals.

HB 2305: Solar Panels in Community Associations

Del. David Ramadan

Clarifies that a community association may establish reasonable restrictions concerning the size, place, and manner of placement of solar energy collection devices on property designated and intended for individual ownership and use. The legislation also requires the resale certificate under the Virginia Condominium Act and the disclosure packet under the Virginia Property Owners' Association Act to contain a statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on his property. In addition, the bill adds to the seller's representation to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act that the seller makes no representations with respect to his or her right to install or use solar energy collection devices on the property.

HB 2334/SB 1023: Renewable Energy Power Purchase Agreements

Del. David Yancey and Sen. John Edwards

Directs the State Corporation Commission to conduct a pilot program in a certain utility's service territory. Under the pilot program, a person that owns or operates a solar-powered or wind-powered electricity generation facility with a capacity between 50 kilowatts and one megawatt that is located on premises owned or leased by an eligible customer generator will be allowed to sell the electricity generated from such facility exclusively to the eligible customer-generator under a power purchase agreement (PPA). The PPA will provide for third party financing of the costs of the renewable generation facility. The minimum size requirement does not apply to certain nonprofit entities. The SCC will establish guidelines concerning aspects of the pilot program by December 1, 2013.

Coal and Minerals

HB 211/SB 1014: Surface Mining of Coal

Del. James Moorefield and Sen. Phillip Puckett

Repeals an obsolete chapter in Title 45.1 that regulates the surface mining of coal. The provisions of this chapter have been superseded by the Virginia Coal Surface Mining Control and Reclamation Act (§ 45.1-226 et seq.).

HB 2100/SB 918: Coal Severance Taxes

Del. Terry Kilgore and Sen. Phillip Puckett

Establishes gross receipts for purposes of the local coal severance tax by providing that the only deduction allowed from gross receipts is for non-local transportation and processing costs of coal. The bill establishes a 1 percent tax on the gross receipts from coal severed from the earth by coal producers, except that the gross receipts tax on coal from mines that sell less than 10,000 tons of coal per month is three-quarters of 1 percent. Also, the legislation moves the local coal severance taxes out of Chapter 37 of Title 58.1, which sets forth local license tax laws.



Natural Gas and Petroleum

HB 1318: Boiler and Pressure Vessel Safety Act

Del. Lee Ware

Exempts stationary American Society of Mechanical Engineers (ASME) liquefied petroleum gas containers used exclusively in propane service from the Boiler and Pressure Vessel Safety Act if their capacity does not exceed 2,000 gallons and the owner or the servicing agent inspects the tank every five years, maintains records of the inspection, and makes the records available to the Commissioner of Labor and Industry. The measure also provides that boilers and pressure vessels on the property of private residences and apartment houses with fewer than four units are exempt from the Act; the current exemption applies only to the equipment in such residences or apartment houses.

HB 1771/SB 1111: Local Gas Severance Taxes

Sen. Ryan McDougle

Makes technical amendments that provide a period of time in which natural gas companies may appeal a local gas severance tax assessment made on or after January 1, 2014, for license years 2014, 2013, 2012, or 2011. In 2012, the General Assembly passed legislation delaying the time period in which natural gas companies could appeal gas severance tax assessments and suspending the collection of gas severance tax assessments. This legislation creates a time period in which natural gas companies may appeal the assessments.

HB 2110: Construction of Natural Gas Service Lines

Del. Will Morefield

Allows a locality in the Virginia Coalfield Economic Development Authority to apply a portion of its Coal and Gas Road Improvement Fund tax revenue collected from the severance tax imposed upon the severance of natural gas to the construction of natural gas service lines. Under prior law, the locality was permitted to apply a portion of the revenue to the construction or enhancement of water or sewer systems or lines.

Reorganization and Coordination

HB 1790/SB 1138: Virginia Nuclear Energy Consortium

Del. Scott Garrett and Sen. Jeffrey McWaters

Establishes the Virginia Nuclear Energy Consortium Authority (Authority) as a political subdivision of the Commonwealth for the purposes of making the Commonwealth a national and global leader in nuclear energy and serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues. The 17-member Board of Directors of the Authority is directed to form a nonstock, nonprofit corporation, referred to as the Virginia Nuclear Energy Consortium (Consortium). Membership in the Consortium is open to specified educational institutions, Virginia-based federal research laboratories, nuclear-related nonprofit organizations, business entities with operating facilities in Virginia that are engaged in activities directly related to the nuclear energy industry, and other persons whose membership is approved by the Consortium's Board of Directors.



The purposes of the Consortium include carrying out the rights, powers, and duties of the Authority and conducting other activities useful in (1) making the Commonwealth a leader in nuclear energy, (2) serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues, and (3) raising money on behalf of the Authority in the corporate and nonprofit community and from other nonstate sources. The Consortium is required to report to the Authority on its nonproprietary activities semiannually, and audits of its financial accounts must be made available in accordance with the provisions of the Freedom of Information Act.

Utilities

HB 1770/SB 1287: Natural Gas Utility Ratemaking

Del. Jackson Miller and Sen. Charles Colgan

Permits natural gas utilities to recover certain safety activity costs incurred on or after January 1, 2013, in future rates by accounting for them as deferred costs. The amount deferred cannot not exceed 4 percent of the natural gas utility's net plant investment that was utilized in establishing or confirming the utility's base rates. The utility will be deemed to have recovered eligible safety activity costs to the extent that the return on equity earned by the utility in an earnings test filing for a year, after consideration of the treatment of regulatory assets, is in excess of the mid-point of the rate of return on equity range specified or confirmed in the natural gas utility's most recent rate case or performance-based regulation plan. If a utility's base rates include eligible safety activity costs, the utility will only be permitted to defer the level of eligible safety activity costs that are in excess of the level reflected in base rates.

HB 1799: Natural Gas Utility Investments in Qualifying Projects

Del. Lynwood Lewis

Exempts any natural gas utility that serves fewer than 1,000 residential customers and fewer than 250 commercial and industrial customers from the cap on the amount of investments in qualifying projects that are possible for a natural gas utility. Under prior law, a natural gas utility's annual investments in qualifying projects could not exceed 1 percent of the utility's net plant investment that was used to establish base rates in its most recent rate case. Legislation enacted in 2012 established a mechanism for natural gas utilities to recover the costs of a qualifying project. A qualifying project is an economic development project for which, among other things, the utility has received a binding commitment from the developer or occupant of the proposed project regarding capacity or a financial guaranty from the developer or state or local government in the amount of at least 50 percent of the estimated investment to be made in the proposed project.

HB 2261: Electric Utility Ratemaking

Del. Terry Kilgore

Revises certain incentives and other provisions applicable to investor-owned electric utilities under the 2007 re-regulation legislation.



The measure:

1. Eliminates the 50 basis point performance incentive that has been available to utilities that attain the renewable energy portfolio standards goals;
2. Replaces the provision that has authorized the State Corporation Commission to adopt a performance incentive that may increase or decrease a utility's combined rate of return by up to 100 basis points, based on a comparison of the utility's generating plant performance, customer service, and operating efficiency with nationally recognized standards, with a provision that authorizes the SCC to increase or decrease the utility's combined rate of return consistent with its precedent for incumbent electric utilities prior to the 2007 re-regulation legislation;
3. Increases the threshold for determining whether the utility's earned combined rate of return on common equity is excessive or insufficient, for test periods commencing after December 31, 2012, from 50 basis points above or below the return determined by the SCC to 70 basis points above or below such return;
4. Eliminates the provision that requires the SCC, when it determines that rates should be revised or credits applied to customers' bills, to combine a rate adjustment clause previously implemented to recover transmission-related costs with the utility's costs, revenues, and investments until the amounts that are the subject of the rate adjustment clause are fully recovered;
5. Eliminates the provision that authorizes the SCC to include in a rate adjustment clause for environmental costs the enhanced rate of return on common equity that is provided for new generation facilities if the environmental costs reduce the need for constructing new generation facilities by enabling the continued operation of existing generation facilities;
6. Requires a utility seeking approval to construct a generating facility to demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process;
7. Eliminates the authorization for a utility to earn an enhanced rate of return on the costs of a new generation facility during the first portion of its service life if the facility does not utilize nuclear power or offshore wind, unless the SCC has approved a rate adjustment clause for the facility by July 1, 2013, or the utility filed a petition therefore on or before January 1, 2013;
8. Reduces the potential enhanced rate of return on the costs of a new generation facility utilizing nuclear power or offshore wind from 200 to 100 basis points;
9. Requires certain costs related to early retirement of generation plants, severe weather events, and natural disasters to be deemed to have been recovered through customer rates during the test period under review unless doing so would place the utility in an under-earning position, in which event the SCC is required to authorize deferred recovery of such costs and allow the utility to amortize and recover the deferred costs over future periods; and
10. Directs that the fair combined rate of return on common equity determined by the SCC in a biennial rate review will apply to the entire two successive 12-month test periods ending December 31 immediately preceding the year of the



utility's subsequent biennial review filing for purposes of reviewing the utility's earnings on its rates for generation and distribution services.

The measure also requires Appalachian Power, referred to as a Phase I utility, to delay the filing of its next biennial review from March 31, 2013, until March 31, 2014. Such a utility is prohibited from deferring on its books for future recovery certain costs incurred during calendar year 2011 and is required to file subsequent biennial filings by March 31, 2016, and every two years thereafter.

The bill also provides that if the combined rate of return on common equity earned by generation and distribution services for the period under review is no more than 70 basis points above or below the return determined for this utility, the combined return may not be considered either excessive or insufficient, respectively. In addition, the measure provides that for any test period commencing after December 31, 2012, for Dominion, referred to as a Phase II Utility, and after December 31, 2013, for Appalachian Power, if the utility has, during the test period or periods under review, earned below the return determined for the utility, the utility may petition to the SCC, if the utility earned more than 70 basis points below a fair combined rate of return.

The bill states that an emergency exists and is in force from its passage.

SB 956: Declining Block Rates

Sen. Barbara Favola

Requires any investor-owned electric utility that uses declining block rates for residential customers during winter months to assess the appropriateness of such rates in integrated resource plans filed with the State Corporation Commission.





VIRGINIA

Environmental Legislation

Air Quality and Pollution Control

HB 1399: Pollution Control Equipment and Facilities Tax Exemption

Del. Lee Ware

Deletes that portion of the sales and use tax exemption for pollution control equipment and facilities that expired July 1, 2006, related to coal, oil, and gas production, to clarify that such exemption did not expire in 2006, and continues because of a cross-reference to another statute.

Coastal Zone Management

HB 1327: Port of Virginia Economic and Infrastructure Development Zone Grant Fund

Del. Richard Morris

Adds the City of Franklin and the Counties of Page and Shenandoah to the list of localities in which certain businesses related to commerce through the Port of Virginia may locate or expand and be eligible to apply for grants based on the number of new jobs created.

HB 1400: Oyster Replenishment

Del. Margaret Ransone

Reorganizes, clarifies, and renames the oyster replenishment tax system as a system of oyster resource user fees. In addition to repealing four code sections, the bill replaces the former price-based replenishment tax with a volume-based oyster resource user fee, specifying that no harvester may pay more than one such fee per year. The legislation removes the exemption from licensing requirements for an oyster grounds leaseholder, distinguishes from other fees the license fee to be paid by a person who buys from the catcher oysters caught from the public grounds, simplifies the description of the fisheries data that harvesters and others are required to record, simplifies the prohibition on carrying oysters out of state without a permit, and removes certain oyster inspection tax provisions.

HB 1531/SB 946: Sand for Public Beaches

Del. Christopher Stolle and Sen. Frank Wagner

Authorizes the Marine Resources Commission and the Department of Environmental Quality (DEQ) to establish an expedited application review process for dredging of sand and beach replenishment on the public beaches abutting the waters of the Chesapeake Bay. The bill requires the agencies to establish a working group, consisting of representative stakeholders, to assist in the development of the expedited review process. The working group is to consider a requirement that the application for the



sand replenishment project permit include the submission of a dredging plan by the locality for areas within the Chesapeake Bay from which the dredged material will be taken as well as the location of the beach replenishment project. The provisions list several types of information that such a plan would include, such as the analysis of benthic, marine, and fishery resources; impact on any historical artifacts; and impact on other uses of the state waters and bottomlands at the dredge site.

HB 1694/SB 833: Port of Virginia Economic and Infrastructure Development Zone

Del. Matthew James and Sen. Louise Lucas

Allows localities located within the Port of Virginia Economic and Infrastructure Development Zone to enter into a voluntary economic growth-sharing agreement without the review of the Virginia Commission on Local Government.

HB 1805/SB 1213: Lifetime Saltwater Recreational Fishing Licenses

Del. Margaret Ransone and Sen. Richard Stuart

Allows Virginia residents 65 years of age and older to purchase a lifetime saltwater recreational fishing license for \$5.

HB 1824: Virginia Port Volume Increase Tax Credit

Del. Harry Purkey

Extends the tax credit beginning in 2013 to growers or producers of (1) wheat, grains, fruits, nuts, and crops; (2) tobacco, nursery, or floral products; (3) forestry products excluding raw wood fiber or wood fiber processed or manufactured for use as fuel for the generation of electricity; or (4) seafood, meat, dairy, or poultry products. The bill also eliminates distributors of these goods from being eligible for the tax credit. Under current law, manufacturers and distributors of manufactured goods that ship at least 75 net tons of noncontainerized cargo or 10 loaded 20-foot equivalent units (TEUs) through Virginia port facilities during a calendar year are eligible for an income tax credit if their volume of shipments through such facilities increases by at least 5 percent over a designated base year volume. The tax credit equals \$50 for each TEU above the base year volume shipped through a Virginia port facility.

HB 2039/SB 1054: Chesapeake Bay Watershed Implementation Plan

Del. Michael Weibert and Sen. Richard Black

Adds the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth of Virginia, as an option under the Voluntary Chesapeake Bay Restoration Contribution, to the list of organizations that may receive contributions of taxpayer refunds.

HB 2254/SB 1291: Management of the Menhaden Fishery

Del. Edward Scott and Sen. Richard Stuart

Establishes a total allowable landings of 144,272.84 metric tons per year for Atlantic menhaden landed in Virginia by the purse seine menhaden reduction sector, the purse seine menhaden bait sector, and the non-purse seine menhaden bait sector. This legislation authorizes the Atlantic States Marine Fisheries Commission (Commission) to establish and administer a limited entry purse seine menhaden bait license according to



specific criteria. This total allowable landings represents a 20 percent reduction from the average 2009, 2010, and 2011 landings, as mandated by the Commission. Any overage of the total allowable landings in the current year will result in a reduction of the total allowable landings in the following year. The Commissioner may administer the interstate transfer of menhaden landings. The total allowable landings for menhaden will be allocated in proportion to each sector's share of average landings in 2002 through 2011, with the Commission authorized to establish an Individual Transferable Quota System for any purse seine menhaden bait licensee according to specific requirements. Guidelines for the monitoring of all sectors of the menhaden fishery that may result in a closure of any or all sectors are established. Upon the closing of the non-purse seine sector, any person may possess and land up to 6,000 pounds of menhaden per day, and such landings will be reported to the Commission, but will not count against the annual total allowable landings. All licensees of the three menhaden sectors must report to the Commission according to the requirements established by the Commission. The Commission will establish a biological sampling program to include development of an adult menhaden survey index from Virginia pound nets.

License fees are established for the purse seine menhaden reduction and purse seine menhaden bait sectors, according to fees adjusted in 2005 as \$249 for vessels under 70 gross tons and \$996 for vessels 70 gross tons or over. The Commission may limit the number of gear licenses or permits to fish, except for those licenses in the purse seine reduction sector. The annual menhaden harvest cap for the purse seine menhaden reduction sector will be 87,216 metric tons, subject to annual adjustments for under-harvest or over-harvest of the cap.

The bill contains a sunset date of January 1, 2015. The measure proclaims that an emergency exists and that it is in force from its passage.

HB 2276/SB 1305: Virginia Port Authority Reform Implementation

Del. Chris Jones and Sen. Frank Wagner

Implements reforms of the Virginia Port Authority (VPA) by adding the Chief Executive Officer of the Virginia Economic Development Partnership to the Board of Commissioners, adding the VPA Executive Director to the Commonwealth Transportation Board, and preventing the Commonwealth and the VPA from accepting any unsolicited proposal under the Public-Private Transportation Act or the Public-Private Education Facilities and Infrastructure Act regarding the ownership or operation of any seaport or port facility. The bill also provides that members of the Board of Commissioners of the VPA that are appointed by the Governor may be removed by the Governor only for misconduct, and not at his pleasure. The bill grants the powers of industrial development authorities to the VPA, except for the powers to sell or convey the port facilities or to hire employees such as attorneys, and exempts the port from various purchasing and procurement requirements.

SB 768: Chesapeake Bay Watershed Implementation Plan

Sen. Frank Wagner

Directs state agencies to remove the Lynnhaven River watershed from inclusion in the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.



SB 1106: Revocation of Fishing Licenses

Sen. Emmett Hanger

Authorizes the Virginia Marine Resources Commission (Commission) to revoke a person's fishing privileges within the tidal waters if he violates any tidal fishing law and to withdraw all privileges to fish in tidal waters during the period of license revocation. The revocation can be for a period of up to two years.

SB 1108: Illegal Fishing in the Potomac River

Sen. Emmett Hanger

Amends the Potomac River Compact by changing the penalty for violating the fishing laws in the Potomac River from the current \$1,000 maximum penalty to a maximum penalty of \$3,000. The bill also requires the alleged offender, if he is a resident of Virginia or Maryland, to be tried in the state of his residence.

SB 1110: Oyster Inspection Tax

Sen. Emmett Hanger

Authorizes the Potomac River Fisheries Commission (Commission) to impose an oyster inspection tax not to exceed \$2 per bushel. Currently, under the Potomac River Compact, the Commission can impose an inspection tax that cannot exceed the higher severance tax per bushel on oysters that is imposed by Virginia or Maryland within their respective jurisdictions. The Commission's current per bushel inspection tax for oysters taken from the Potomac River is \$1. The bill provides that the proceeds from the tax are required to be used for planting seed or shell oysters on the working bottom. Under the Compact, both Virginia and Maryland must enact similar acts in order for the change to the Compact to go into effect. Maryland passed similar legislation, Maryland HB357/SB344, during their 2013 Legislative Session.

Environmental Health Services

HB 1562/SB 828: Dangerous Dogs

Del. Bobby Orrock and Sen. Harry Blevins

Authorizes an animal control officer or law enforcement officer to apply to a magistrate for a summons where the officer believes that the owner of a vicious dog has willfully failed to comply with the law. When the owner of a dangerous dog has willfully failed to comply with the law, the bill authorizes an officer to confine the dog. The bill also clarifies the distinctions between dangerous dogs and vicious dogs, requires the owner of either type of dog to provide basic care while confining the animal, and authorizes a court to order the owner to pay for the care of a dangerous or vicious dog while it is in state custody. This bill is identical to SB 828.

HB 1582: Food Inspection and Labeling

Del. Bobby Orrock

Exempts private homes where the resident processes and prepares certain food products, including dried fruits, dry herbs, dry seasonings, nuts, vinegars, dried pasta, dry baking mixes, and cereals, from inspection by the Virginia Department of Agriculture and Consumer Services (VDACS), so long as the resident processing and preparing the product affixes a label to the product that indicates the name, address,



and the telephone number of the person preparing the food product and that the residence has not been inspected by VDACS.

HB 1583: Vacant Building Registration

Del. Rosalyn Dance

Increases from \$25 to \$100 the maximum annual registration fee that a local ordinance may impose on the owner of a vacant building that meets the definition of “derelict building.” The bill increases the civil penalty for failing to register a building from \$50 to \$200 and raises from \$250 to \$400 the maximum civil penalty for failing to register a building that is located in a designated conservation and rehabilitation district or in an area designated as blighted.

HB 1589: Demolition of Derelict Buildings

Del. Randall Minchew

Authorizes a locality to demolish or remove a derelict nonresidential structure and to file a lien against the property for the cost of the demolition or removal. The bill requires the locality to obtain the written consent of the property owner for such demolition or removal and prohibits the use of the authority to remove a building that is located in a local historic district or individually designated as a historic landmark.

HB 1615: Disclosure of Methamphetamine Laboratory

Del. Todd Gilbert

Requires the owner of residential property or a landlord of residential dwelling unit who has actual knowledge that the residential property was previously used to manufacture methamphetamine and has not been cleaned up in accordance with the Department of Health guidelines, to provide a written disclosure when selling or renting the property. The bill gives a tenant certain remedies if such disclosure is not provided when required. The legislation has a delayed effective date of July 1, 2014.

HB 1859: Rabies Clinics

Del. Bobby Orrock

Requires a local governing body to ensure that a rabies clinic is conducted to serve the jurisdiction at least once every two years. Currently, a clinic is to be held once a year if the local government finds that the number of resident veterinarians is inadequate to meet the need for rabies vaccination.

HB 2072: Condemnation

Del. Christopher Peace

Provides that no locality will condition or delay the timely consideration of any application for or grant of any permit or other approval for any real property over which it enjoys jurisdiction for the purpose, expressed or implied, of allowing the locality to condemn or otherwise acquire the property or to commence any process to consider whether to undertake condemnation or acquisition of the property.



HB 2241/SB 1282: Vacant Building Registration

Del. Lacey Putney and Sen. Creigh Deeds

Adds the Town of Clifton Forge to those localities with authority to require the owner or owners of buildings that have been vacant for a continuous period of 12 months or more to register the buildings on an annual basis and to impose an annual registration fee not to exceed \$25 to defray the cost of processing the registration. Failure to register will be punishable by a \$50 civil penalty.

HB 2298/SB 820: Billboards

Del. Richard Anderson and Sen. Phillip Puckett

Establishes conditions under which certain billboard signs may be relocated if the land on which the billboard sign is located is acquired by eminent domain in connection with a highway project.

SB 885: Inoperable Motor Vehicles

Sen. Creigh Deeds

Adds Albemarle County to those localities that may prohibit any person from keeping, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned or used for residential purposes, or on any property zoned for commercial or agricultural purposes, certain inoperable motor vehicles.

Hazardous Waste and Substance Management**SB 1055: Disposal of Infectious Waste**

Sen. Richard Black

Repeals certain provisions regarding the permitting of infectious waste incinerators by the State Air Pollution Control Board and the Waste Management Board (Board). The repeal of these sections will eliminate outdated regulations, which have been superseded by federal air emission requirements. The Virginia Waste Management Board's regulations related to medical waste incinerators would remain in place under the Board's other existing authorities.

Inland Water Resource Management and Conservation**HB 1397: Scenic River Designation**

Del. Daniel Marshall

Designates a 15-mile segment of the Dan River as a component of the Virginia Scenic Rivers System.

HB 1629: Eel Pots

Del. Barry Knight

Authorizes the Board of Game and Inland Fisheries (BGIF) to issue an annual permit to use eel pots in the waters of Back Bay and the North Landing River and their tributaries. The annual permit fee to catch eels for commercial purposes is \$50, and the annual permit fee to take eels for personal use is \$17.50. The bill requires a nonresident to purchase a harvester's license for each boat used in taking eels at a cost of \$350 per



boat, unless he already holds a nonharvester's license to take other types of finfish in inland waters. This fee is in addition to the permit fee for eel pots.

HB 1753: Scenic River Designation

Del. Thomas Wright, Jr.

Adds the 17.8-mile segment of the Meherrin River lying within Mecklenberg and Lunenburg Counties as a component of the Virginia Scenic Rivers System. The Meherrin River within Brunswick County, a distance of approximately 37 miles, adjoins the new segment and is designated as a scenic river by current law, making the total distance designated as a scenic river approximately 54.8 miles. The bill provides that nothing in the amended section precludes the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.

HB 1757: Wetlands Mitigation Bank

Del. Edward Scott

Establishes a special nonreverting fund known as the Wetland and Stream Replacement Fund to receive moneys paid to the State Water Control Board (SWCB) for mitigation of any impacts that a project may have on wetlands. The moneys in the fund are to be disbursed to purchase mitigation bank credits, if available within three years. If no credits are available within the three-year period, other actions are stipulated.

HB 1825: Riparian Stationary Blinds

Del. Scott Lingamfelter

Establishes time periods for a person to obtain a stationary blind license. A riparian landowner or his lessee or permittee seeking to license a riparian stationary blind that was not licensed by him the previous year may obtain a license beginning February 1 through June 15. The license would require the licensee to erect a stake or blind, to which the seasonal license plate is affixed, at the blind site by June 30 and replace any such stake with a blind by November 1.

A riparian landowner or his lessee or permittee who licensed a riparian stationary blind the previous year may obtain a license for the blind beginning February 1 through August 15. The license would require the licensee to affix the seasonal license plate to a stake or blind at the blind site by August 31 and replace any such stake with a blind by November 1.

A person seeking a nonriparian license for a stationary blind licensed the previous year as a nonriparian stationary blind may purchase a license beginning on July 1 through August 15. The license would require the licensee to erect a stake or blind, to which the seasonal license plate is affixed, at the blind site by August 31 and replace any such stake with a blind by November 1. A stationary blind or a site not licensed and posted by August 31 can be licensed as a nonriparian stationary blind by another person from September 1 through October 15, with erection of the blind required by November 1.



HB 2220: Scenic River Designation

Del. James Edmunds, II

Designates a 38.4-mile segment of the Banister River as a state scenic river.

SB 1053: Boating Safety Education

Sen. Frank Wagner

Exempts U.S. Navy qualified surface warfare officers or qualified enlisted surface warfare specialists from having to pass a boating safety education course in order to operate a motorboat.

SB 1117: Watercraft Titling Certificates

Sen. Frank Wagner

Repeals Virginia's existing watercraft titling law and enacts in its place the Uniform Certificate of Title for Vessels Act as adopted in 2011 by the National Conference of Commissioners on Uniform State Laws. The new Act uses the term “watercraft” instead of “vessels” where appropriate to conform to Virginia law. The bill requires the owner of every watercraft of a particular size and type to apply for and obtain a certificate of title, lowering the minimum boat length for which a title is required from 18 feet to 16 feet for boats owned or purchased after July 1, 2014. The measure also details the methods of creation or cancellation of certificates by the Department of Game and Inland Fisheries (DGIF) and describes the contents and effects of a certificate, including the availability of a title brand, a permanent designation indicating that there is damage to a watercraft's hull.

The bill applies some of the principles of the Uniform Commercial Code to the realm of watercraft by defining the rights of secured parties and purchasers other than secured parties and providing the method for perfecting a security interest. Finally, the bill also establishes the rules for transferring ownership of a watercraft by a transfer statement or by operation of law, sets out the means of acquiring title to an abandoned watercraft, states the duties of the DGIF, and provides several general provisions. The bill contains an enactment clause making it effective on July 1, 2014.

SB 1270: Boat Ownership Lists

Sen. Frank Ruff

Includes state and local agencies among certain operators of marinas or boat storage places that must file with the Commissioner of Revenue a list of boat owners and the name and number of the boats in the marina.

Land Management and Conservation

HB 1398: Land Preservation Tax Credits

Del. Lee Ware

Provides that, beginning with calendar year 2013, the maximum amount of land preservation tax credits that will be issued to taxpayers is \$100 million. However, the \$100 million will continue to be annually indexed, as is done under current law. The Governor is required to include in the Budget Bill or in his amendments to the General Appropriation Act a recommended appropriation from the general fund in an amount



equal to the difference between the indexed amount and \$100 million to be appropriated as follows: 80 percent of the unissued credits to the Virginia Land Conservation Fund, of which at least 50 percent must be used for acquisitions with public access; 10 percent to the Civil War Site Preservation Fund; and 10 percent to the Virginia Farmland Preservation Fund.

HB 1474: Cutting of Grass and Weeds

Del. Edward Scott

Adds the Town of Orange to the list of localities permitted to provide by ordinance for the cutting of grass and weeds on occupied property.

HB 1547: Tree Canopies in Cemeteries

Del. Barry Knight

Provides that the minimum tree canopy as required by localities during the development process must be 10 percent for cemeteries.

HB 1697: Special Valuation for Land Preservation

Del. Randall Minchew

Makes it optional for localities to impose roll-back taxes when the owner of real property that qualifies for special land use valuation for land preservation has the property rezoned for a more intensive use. Under prior law, imposition of such taxes was mandatory.

HB 1744: Cutting of Grass

Del. Mayme BaCote

Adds the City of Hampton to existing provisions related to the regulation of grass cutting and provides that one notice per incident or per growing season will constitute reasonable notice to property owners.

HB 1829: GPS Devices to Manage Fox Hunting Dogs

Del. Charles Poindexter

Allows hunters to use a GPS (Global Positioning System) or other electronic tracking device to manage dogs that are hunting or pursuing a fox. Prior law distinguished actually following a dog from “managing” the dog, but it does not explain what managing might encompass. The bill contains technical amendments.

HB 1929: Deer Kill Permits

Del. Richard Morris

Authorizes the chief law enforcement officer of a town to report to the Director of the Department of Game and Inland Fisheries when deer are creating a traffic hazard in the jurisdiction. If after an investigation the Director finds that such a hazard exists, he may authorize responsible persons, or their representatives, to kill the deer.

HB 2035: Old Flat State Forest

Del. Israel O’Quinn

Authorizes the Department of Forestry (DF) to convey and accept an exchange of lands with Rodney Richardson on an approximately acre-for-acre or equal-market-value



basis. In return for conveying a parcel located in Old Flat State Forest to Richardson, the DF is authorized to accept from Richardson a parcel adjacent to the State Forest.

HB 2069: Sale of Seedlings

Del. Barry Knight

Authorizes the State Forester to provide seedlings at no expense for use on state forests, public grounds, and state parks and sell seedlings to private individuals. The terms and conditions of the sale and the price of the seedlings will be set by the State Forester.

HB 2099: Shooting of Muskrats and Raccoons

Del. Tony Wilt

Allows a landowner to trap or shoot fur-bearing animals including muskrats and raccoons upon his own land during the closed season when these animals are causing damage to his crops or property, are posing a threat to human health or safety, or are causing a nuisance.

HB 2137: Environmental Impact Reports and De-icing Agents

Del. Kathy Bryon

Raises from \$500,000 to \$2 million the cost threshold at which a locality will be required to obtain an environmental impact report for a highway project. For certain projects costing more than \$500,000 and less than \$2 million, the locality is required to consult with the Department of Historic Resources to make efforts to minimize impacts to historic resources.

The bill also exempts the sale of de-icing agents containing urea from the current prohibition on such sales where the de-icing agent is to be used by a municipal corporation at an airport.

HB 2184: Limited Hunting and Fishing Licenses

Del. James Edmunds

Authorizes the Board of Game and Inland Fisheries to issue trip hunting licenses to nonresidents and trip fishing licenses to residents and nonresidents for time periods and at costs determined by the Board. Current law allows nonresidents to purchase a three-day trip hunting license at a cost of \$40 and a five-day trip fishing license at a cost of \$10 and allows residents to purchase a five-day trip fishing license at a cost of \$5.

HB 2226: Grass Cutting

Del. Will Moorefield

Adds the Town of Cedar Bluff to the list of localities that may, by ordinance, have agents or employees of the locality cut grass and weeds from occupied property and charge the cost to the property owner.

HB 2306: Eminent Domain

Rep. David Ramadan

Provides that just compensation paid for real property taken pursuant to eminent domain may not be less than the appraisal of the fair market value of such property, if such an appraisal is required, or the current assessed value of the property for real



estate tax purposes when the entire parcel for which the assessment has been made is to be acquired, whichever is greater. Nothing in the bill makes evidence of tax assessments admissible as proof of value in an eminent domain proceeding.

HB 2310: Mountain Ridge Construction

Del. Thomas Rush

Clarifies that localities have flexibility to define by ordinance the height of “tall buildings and structures” for purposes of mountain ridge construction regulation.

SB 799: Special Valuations for Land Preservation in Goochland County

Del. Thomas Garrett

Permits Goochland County to adopt certain variations in administering the special valuation of real property for land preservation for real property in service districts created after July 1, 2013.

SB 897: Confederate Cemeteries and Graves

Sen. Bryce Reeves

Increases the number of Confederate graves maintained by the Ladies Confederate Memorial Association in Spotsylvania County from 300 to 749.

SB 909: State Park Master Planning

Sen. Bryce Reeves

Requires the Department of Conservation and Recreation (DCR), in considering public comments on stage one and stage two master plans, to make a reasonable effort to solicit comments and to provide timely notice of the comment period to trade associations and private businesses within a 10-mile radius of the park that offer similar services, including private campgrounds, marinas, and recreational facilities.

SB 985: Land Conveyance to Warren County

Sen. Mark Obenshain

Authorizes the Board of Game and Inland Fisheries to convey to Warren County two parcels of land located in the G. Richard Thompson Wildlife Management Area. The two parcels are located on Route 638 and measure 3.19 acres in total area.

SB 1068: Conveyance of Easements

Sen. Charles Carrico, Sr.

Authorizes the conveyance of right-of-way easements between the Department of Forestry and the Ratcliffe Foundation. The easements will allow the DF better access to Channels State Forest and will allow the Ratcliffe Foundation to access its other properties.

SB 1277: Wildlife Exhibitor Permit

Sen. Richard Stuart

Requires the Board of Game and Inland Fisheries to establish standards for the possession and display of wildlife by elementary and secondary school teachers for educational purposes. The bill exempts such exhibits from the wildlife exhibitor permit application and fee so long as the Department of Game and Inland Fisheries is notified



of the display of wildlife and such display complies with the standards established by the Board.

Reorganization and Coordination

HB 1345: Membership of Rappahannock River Basin Commission

Del. Mark Cole

Reduces the membership of the Rappahannock River Basin Commission from 34 to 32 members. The reduction in the number of members is due to redistricting in 2012 that resulted in the removal of one Senate district and one House of Delegates district from the Basin area. The bill also reduces the number of members that constitute a quorum from 12 to 11.

HB 2048/SB 1279: Consolidation of Water Quality Programs

Del. Beverly Sherwood and Sen. Emmett Hanger

Moves several water quality programs currently administered by the Department of Conservation and Recreation to the Department of Environmental Quality. The DEQ and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control, and the Chesapeake Bay Preservation Areas. The Virginia Soil and Water Conservation Board (VSWCB) will have continuing responsibility for oversight of the soil and water conservation districts and of resource management planning. The VSWCB will continue to be responsible for administration of the flood prevention and dam safety laws. The VSWCB will continue to be staffed by the DCR.

HB 2086: Regulatory Powers of the Board of Agriculture and Consumer Services

Del. Matthew Farris

Removes the Board of Agriculture and Consumer Services' authority to adopt regulations establishing schedules for calibration of service agencies' weights and measures standards and authorizes the Commissioner of Agriculture and Consumer Services to set the schedules.

HB 2089: Electronic Transmission of Permits

Del. Tony Wilt

Allows the Department of Environmental Quality to transmit electronically air pollution control, water quality, and waste management permits or certificates, as well as other information such as plan approvals.

HB 2209/SB 1309: Soil and Water Conservation Board Powers

Del. Barry Knight and Sen. Emmett Hanger

Transfers authority for administration of the nutrient management certification program and responsibility for adopting regulations on nitrogen application rates from the Department of Conservation and Recreation to the Virginia Soil and Water Conservation Board. The legislation also empowers the VSWCB to oversee districts' programs and to allocate general fund moneys to soil and water conservation districts to support their operations.



SB 316: Wetland Delineator Certifications

Sen. Harry Blevins

Removes the requirement that experience in wetland delineation prior to applying for certification as a wetland delineator must have occurred under the supervision of a certified professional wetland delineator.

SB 798: Service District Boundaries

Sen. Thomas Garrett

Allows localities to modify the boundaries of service districts. Any modifications require public notice and a majority vote of the governing body of each affected locality.

Solid Waste

HB 2203: Fee for Solid Waste Disposal

Del. Robert Marshall

Provides that Pittsylvania County may impose a fee for solid waste disposal in part to purchase or subsidize the purchase of equipment used for the collection of solid waste. The bill also provides that in Pittsylvania County the fee may only be levied upon persons whose residential solid waste is disposed of at a county landfill or county solid waste collection or disposal facility and will not be levied upon persons whose residential waste is not disposed of in such landfill or facility if such nondisposal is documented by the collector or generator of such waste as required by ordinance of the county.

This legislation also allows Pittsylvania County to provide for an exemption from the solid waste disposal fees for certain disabled veterans.

SB 1212: Protection of Trade Secrets

Sen. Richard Stuart

Requires that every person who the Department of Environmental Quality has reason to believe is generating or handling waste provides the DEQ with information about the waste upon request. The bill exempts trade secrets contained in such information from disclosure by DEQ under certain conditions while still allowing the DEQ to provide such information to the U.S. Environmental Protection Agency or as otherwise required by law.

Water Quality and Pollution Control

HB 1448: Septic System Financing

Del. Keith Hodges

Authorizes a locality, by ordinance, to create a loan program to enable the repair of property owners' failed septic systems. Any such ordinance is required to describe the arrangement of the loan program, including any partnership with a planning district commission, and is permitted to provide for the repayment of the loan through water or sewer billings, real property tax assessments, or other billings. The bill authorizes other features of a loan program and permits a locality to set a minimum ownership interest or minimum level of proof of ownership of the property for situations in which it is



extremely difficult or impossible to identify all of the people who have an ownership interest in the property.

HB 1482: Onsite Sewage System Professionals

Del. Peter Farrell

Requires the Board for Waterworks and Wastewater Works Operators to permit any Class 1 wastewater works operator to sit for the conventional onsite sewage system operator examination.

HB 1648/SB 850: Water and Sewer Fees

Del. Margaret Ransome and Sen. Richard Stewart

Provides that any locality that owns a water and sewer system and has a population density of 200 persons or fewer per square mile may by ordinance develop criteria for providing discounted water and sewer fees and charges for low-income and disabled customers.

HB 2190: Stormwater Management Ordinances

Del. John Cosgrove

Establishes a procedure for state review of the stringency of local stormwater ordinances. The bill requires localities within 30 days of the adoption of a more stringent stormwater ordinance or requirement to submit a letter report to the Department of Conservation and Recreation. The letter report is to include an explanation as to why the more stringent ordinance or requirement is necessary. In addition, within 90 days of the ordinance's adoption, a landowner or his agent can request the DCR to determine whether the ordinance or requirement meets the standards of the state law. The Department has 90 days to make such a determination.

SB 1121: Rates for Water and Sewer Authorities

Sen. Frank Ruff

Clarifies the ability of a water or waste authority to fix rates for services that are furnished by a refuse collection and disposal system. The legislation expands the list of rate-setting powers that require a public hearing by adding the rate-setting power relating to the establishment of incentives for green roofs. The bill combines the two parallel processes found in current law for the setting of rates for sewage disposal and refuse collection, and it reduces the period for publication of notice of a rate-setting hearing from 60 days to 14 days. Finally, the legislation provides that no rate established before January 1, 2013, will be invalidated because of a failure to provide the required public notice.

SB 1166: Littering and Illegal Dumping

Sen. Ralph Smith

Provides that when a person is convicted of illegally dumping or disposing of garbage or refuse on public property or on private property without the permission of the owner, the court may order a mandatory minimum of 10 hours of community service.





WEST VIRGINIA

Energy Legislation

Coal and Minerals

HB 2352: Mine Operators

Rep. Rubert Phillips

Provides that a mine operator's obligations or liabilities under the West Virginia Water Pollution Control Act do not pass to the West Virginia Department of Environmental Protection (DEP) at bond forfeiture sites where the DEP completes reclamation.

HB 3043: Methane Monitoring Equipment

Speaker Rick Thompson

Provides that machine mounted methane monitors required by mine safety law changes in 2012 qualify for the West Virginia Innovative Mine Safety Technology Tax Credit.

SB 462: Surface Mining Permits

Sen. Douglas Facemire

Extends from three weeks to a reasonable time after the close of the public comment period the time in which the West Virginia Department of Environmental Protection must hold an informal conference on a surface mining permit application and extends the time in which the Secretary must issue or deny a surface mining permit from 30 days to 60 days from the informal conference.

Natural Gas and Petroleum

HB 2505: Pipeline Safety Violations

Speaker Rick Thompson

Increases the maximum penalties for pipeline safety violations from \$1,000 per day to \$200,000 per day for each day that the violation persists. The maximum aggregate penalty for any "related series" of violations has been increased from \$200,000 to \$2,000,000. This bill provides that a company may not seek a rate increase from the Public Service Commission (PSC) based upon amounts paid in penalties for pipeline safety violations. HB 2505 only applies to intrastate gas transmission lines.

SB 185: Alternative-Fuel Motor Vehicle Tax Credit

Sen. Mike Hall

Revises the Alternative-Fuel Motor Vehicle Tax Credit for motor vehicles to narrow the focus to vehicles powered by compressed natural gas (CNG), liquefied natural gas (LNG), or liquefied petroleum gas (LPG) for taxable years beginning on and after January 1, 2013. This bill removes electric and hybrid-electric vehicles from eligibility for the alternatively fueled vehicle tax credit. The measure also terminates the Alternative-Fuel Motor Vehicle Tax Credits for home vehicle refueling infrastructure for



tax years beginning after December 31, 2012, to eliminate an overlap with an existing tax credit. Additionally, the bill revises the Alternative-Fuel Motor Vehicle Tax Credits for commercial vehicle refueling infrastructure for taxable years beginning on and after January 1, 2014.

SB 243: Horizontal Well Act Regulations

Sen. Herb Snyder

Authorizes the state Department of Environmental Protection's Office of Oil and Gas (OOG) to promulgate the pending Horizontal Well Act regulations. This bill allows an operator to designate certain information regarding hydraulic fracturing chemicals as trade secret when filling out a well completion report. The trade secret measure compels the operator to share the information designated as trade secret with health professionals or the OOG in the event of a medical emergency or an investigation by the OOG.

SB 446: Motor Fuel Taxes

Sen. Roman Prezioso

Specifies that, on or after July 1, 2013, the provisions of Section R1230 of the International Fuel Tax Agreement (IFTA), as amended, would apply to motor fuel taxes collected in West Virginia under the IFTA. Section R1230 of the IFTA provides for continued conformity to a standard interest rate policy for all members, including the 48 contiguous United States and 10 Canadian provinces.

SB 454: Alternative Fuels Excise Tax

Sen. Roman Prezioso

Provides a mechanism for collection of alternative fuels taxes under the Motor Fuel Excise Tax beginning on January 1, 2014. The bill defines "alternative fuel" as products commonly known as butane, propane, compressed natural gas, liquefied natural gas, liquefied petroleum gas, natural gas hydrocarbons and derivatives, among others, but does not include electricity. This bill requires a "gallon equivalent" base unit so that alternative fuels are taxed at the equivalent unit as motor fuel. Also, it provides a method for maintaining current Motor Fuel Excise Tax revenue within the State Road Fund in future years as the growth in alternative fuel vehicles become more significant within the state.

SB 463: Pipeline Fees

Sen. Art Kirkendoll

Increases the revenues collected by the Public Service Commission Gas Pipeline Fund by a maximum of \$85,000 by increasing the special license fees that gas pipeline companies pay from a maximum of \$315,000 to a maximum of \$400,000 per annum.

SB 638: Termination of Certain Severance Tax Exemptions

Sen. Roman Prezioso

Terminates a severance tax exemption for natural gas or oil produced from any horizontally drilled well that has not produced marketable quantities for five consecutive years immediately preceding the year in which such well is placed back into production and thereafter produces marketable quantities of natural gas or oil.



Utilities

SB 82: Public Utility Board Membership

Sen. Herb Snyder

Requires at least one rate-paying residential customer be part of a public utility board's membership. The bill allows for public service district board members to be paid for each meeting they attend.







WEST VIRGINIA

Environmental Legislation

Environmental Health Services

HB 2399: Livestock

Rep. Daniel Poling

Permits the Livestock Care Standards Board (LCSB) to create procedures to address the inhumane treatment of livestock.

SB 202: Spay Neuter Program Creation

Senate President John Kessler

Establishes the West Virginia Spay Neuter Program to be administered by the Department of Agriculture. Activities of this program will be funded by a dedicated appropriated special revenue fund titled the West Virginia Spay Neuter Fund. This program will provide assistance funding to nonprofit spay neuter organizations throughout the state. A minimum of 90 percent of revenue into the newly-created fund must be distributed annually as grant funding to approved nonprofit spay neuter programs.

SB 437: Dog Breeding

Sen. John Unger, II

Requires anyone keeping more than 10 intact dogs for the purpose of breeding to provide each dog with solid flooring, protection from the elements, adequate lighting, food, water, veterinary care, and sanitary conditions. Also, this bill requires each facility to have an adequate means of fire suppression, bans the keeping of dogs in stacked banks of cages, and requires the dogs can only be euthanized by a licensed veterinarian. Commercial dog breeders may only breed dogs after receiving a certification from their veterinarian that the dog is healthy and they must post their license number in any sales advertisements including online ads.

Land Management and Conservation

HB 2590: Land Stewardship Act

Speaker Rick Thompson

Authorizes creation of a special purpose nonprofit corporation under the West Virginia Nonprofit Corporation Act to be known as the West Virginia Land Stewardship Corporation (Corporation). The Corporation will assist the Department of Environmental Protection in utilizing a voluntary land stewardship program for the long-term safeguarding of Institutional and Engineering Control Sites (IEC Sites) to ensure that the remedy remains protective of human health and the environment and to facilitate further economic development and reuse opportunities. The Corporation is required to apply to the Internal Revenue Service for a determination that it is exempt



from federal income taxes under Section 501(c)(3) of the Internal Revenue Code. The Corporation is exempt from state and local taxes. The Corporation's Board of Directors consists of 13 members: 11 of whom are appointed by the Governor, one ex-officio member appointed by the President of the Senate, and one ex-officio member appointed by the Speaker of the House of Delegates. The Corporation is required to establish a voluntary land stewardship program and a voluntary state certified sites program. Additionally, the Corporation may establish a voluntary land bank program. Once the voluntary land stewardship program is implemented, remediation parties and owners of IEC Sites will have the option, for a fee, to participate in this program. The fee will be established by the Corporation for services provided for an enrolled site. The fees once established may be revised at the discretion of the Board. The universe of sites or properties that may be included in the voluntary land stewardship program includes, but is not limited to, those IEC Sites remediated or closed under a federal or state environmental program, including brownfields, underground storage tanks, closed landfills, open dumps, hazardous waste sites, and former mining sites with ongoing water treatment as part of mine reclamation efforts.

SB 71: Easements

Sen. Dave Sypolt

Requires oil and gas, gas storage, and mineral leases to describe the property on which the easement or right-of-way will be situated by source of title or reference to a tax map and parcel, recorded deed or lease, plat or survey which sufficiently identifies and locates the property. Leases are not required to describe the easement or right-of-way by metes and bounds; by specification of the centerline of the easement or right-of-way or by width; station and offset; or reference to an attached drawing or plat based on the use of the global positioning system which may not require a survey.

Reorganization and Coordination

HB 2571: Environmental Quality Board Membership

Rep. Kevin Craig

Permits individuals from state departments and agencies, except the Department of Environmental Protection, who have received a significant portion of his or her income, during a two-year period, from national pollutant discharge elimination system permit holders and applicants for certain state permits to serve as members of the Environmental Quality Board.

SB 412: County Conservation District Supervisors

Sen. Ronald Miller

Clarifies the procedure by which elected county conservation district supervisors may be removed from office.

SB 414: Hunting and Fishing Licensing Agents

Sen. William Laird, IV

Allows county clerks the choice of whether or not they will be authorized agents for the sale of hunting and fishing licenses.



Water Quality and Pollution Control

HB 2579: Selenium

Del. Rupert Phillips

Changes the protocol for compliance with the existing numeric standard for selenium in water testing.

SB 596: Chesapeake Bay Cleanup

Senate President John Kessler

Requires the Water Development Authority to re-examine the grant process and award monies in proportion to the total cost among all applicants who qualify. This bill ensures up to \$100 million for public sewer treatment plant upgrades to meet Chesapeake Bay cleanup requirements.



Southern States Energy Board

2012-2013 Executive Committee

The list of members below reflects officials who serve the Board as of July 15, 2013. For a current roster, please contact the SSEB staff or visit our website at www.sseb.org.

Chair

The Honorable Phil Bryant, Governor of Mississippi

Vice-Chair

Representative Rocky Adkins, Commonwealth of Kentucky

Treasurer

Representative Myra Crownover, Texas

Member, Executive Committee

The Honorable Robert Bentley, Governor of Alabama

Member, Executive Committee

The Honorable Mike Beebe, Governor of Arkansas

Member, Executive Committee

Senator Robert Adley, Louisiana

Member, Executive Committee

Senator Thomas McLain (Mac) Middleton, Maryland

Member, Executive Committee

Representative Harry Geisinger, Georgia

Member, Executive Committee

Representative Weldon Watson, Oklahoma

Chair, SLC Energy & Environment Committee

Representative Denny Altes, Arkansas ●

Federal Representative

Pending Appointment ●

Secretary

Kenneth J. Nemeth, Executive Director, SSEB ●

- *Ex-Officio, Non-Voting Executive Committee Members*



Members of the Board

Alabama

The Honorable Robert Bentley, Governor
Senator Jimmy W. Holley
Senator Cam Ward (Alternate)
Representative Randy Davis
Representative Howard Sanderford (Alternate)
Representative Micky Hammon
(Governor's Alternate)

Arkansas

The Honorable Mike Beebe, Governor
Senator Eddie Joe Williams
Senator Bobby Pierce (Alternate)
House (*pending appointment*)
Representative Denny Altes, Chair
SLC Energy & Environment Committee
Mr. Marc Harrison (Governor's Alternate)

Florida

The Honorable Rick Scott, Governor
Senator Anitere Flores
Representative Jose Felix Diaz
Governor's Alternate (*pending appointment*)

Georgia

The Honorable Nathan Deal, Governor
Senator Ross Tolleson
Senator Jack Murphy (Alternate)
Representative Harry Geisinger
Representative Lynn Smith (Alternate)
Ms. Jill Stuckey (Governor's Alternate)

Kentucky

The Honorable Steve Beshear, Governor
Senator Brandon Smith
Representative Rocky Adkins
Dr. Leonard K. Peters (Governor's Alternate)

Louisiana

The Honorable Bobby Jindal, Governor
Senator Robert Adley
Senator Gerald Long (Alternate)
Representative Joe Harrison
Representative Raymond Garofalo, Jr. (Alternate)
Governor's Alternate (*pending appointment*)

Maryland

The Honorable Martin O'Malley, Governor
Senator Thomas McLain (Mac) Middleton
Delegate Dereck E. Davis
Delegate Sally Y. Jameson (Alternate)
Governor's Alternate (*pending appointment*)

Mississippi

The Honorable Phil Bryant, Governor
Senator Terry C. Burton
Senator Sean J. Tindell (Alternate)
Representative Gary Staples
Representative Angela Cockerham (Alternate)
Mr. Kirk Sims (Governor's Alternate)
Mr. Chris Champion (Governor's Alternate)

Missouri

The Honorable Jay Nixon, Governor
Senator Mike Kehoe
Representative Jeanie Riddle
Representative Rocky Miller (Alternate)
Mr. Jeff Harris (Governor's Alternate)

North Carolina

The Honorable Pat McCrory, Governor
Senator Robert Rucho
Senator Buck Newton (Alternate)
Representative Mike Hager
Mr. Mitch Gillespie (Governor's Alternate)
Mr. Tony Almeida (Governor's Alternate)

Oklahoma

The Honorable Mary Fallin, Governor
Senator Cliff Branan
Senator Bryce Marlatt (Alternate)
Representative Weldon Watson
Mr. Michael Teague (Governor's Alternate)

Puerto Rico

The Honorable Alejandro Garcia Padilla, Governor
Senator Cirilo Tirado Rivera
Governor's Alternate (*pending appointment*)

South Carolina

The Honorable Nikki Haley, Governor
Senator Lawrence Grooms
Senator Tom Alexander (Alternate)
Representative William E. Sandifer
Governor's Alternate (*pending appointment*)

Tennessee

The Honorable Bill Haslam, Governor
Senator Mark Norris
Representative John Ragan
Mr. Robert Martineau, Governor's Alternate

Texas

The Honorable Rick Perry, Governor
Senate (*pending appointment*)
Representative Myra Crownover
Mr. Barry Smitherman (Governor's Alternate)

Virgin Islands

The Honorable John P. deJongh, Governor
Mr. Karl Knight, Governor's Alternate

Virginia

The Honorable Robert F. McDonnell, Governor
Senator John C. Watkins
Delegate Harry R. Purkey
Mr. Doug Domenech (Governor's Alternate)

West Virginia

The Honorable Earl Ray Tomblin, Governor
Senator Douglas E. Facemire
Senator Art Kirkendoll (Alternate)
Delegate Linda Goode Phillips
Delegate Brent Boggs (Alternate)
Mr. John F. Herholdt (Governor's Alternate)





2013 Legislative Digest

ALABAMA
ARKANSAS
FLORIDA
GEORGIA
KENTUCKY
LOUISIANA
MARYLAND
MISSISSIPPI
MISSOURI
NORTH CAROLINA
OKLAHOMA
PUERTO RICO
SOUTH CAROLINA
TENNESSEE
TEXAS
U.S. VIRGIN ISLANDS
VIRGINIA
WEST VIRGINIA

Scan to view
document online

